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Discussion guide

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I. Introduction

A. Background

1. The present discussion guide has been prepared pursuant to General Assembly resolution 72/192 of 19 December 2017, in which the Secretary-General was requested, in cooperation with the institutes of the United Nations crime prevention and criminal justice programme network, to prepare a discussion guide for the regional preparatory meetings and for the Fourteenth United Nations Congress on Crime Prevention and Criminal Justice in a timely manner in order to enable those meetings to be held as early as possible in 2019.

2. In its resolution 72/192, the General Assembly decided that the main theme of the Fourteenth Congress shall be "Advancing crime prevention, criminal justice and the rule of law: towards the achievement of the 2030 Agenda".

3. In the same resolution, the Assembly approved the following provisional agenda for the Fourteenth Congress:

1. Opening of the Congress.
2. Organizational matters.
3. Comprehensive strategies for crime prevention towards social and economic development.
4. Integrated approaches to challenges facing the criminal justice system.
5. Multidimensional approaches by Governments to promoting the rule of law by, inter alia, providing access to justice for all; building effective, accountable, impartial and inclusive institutions; and considering social, educational and other relevant measures, including fostering a culture of lawfulness while respecting cultural identities, in line with the Doha Declaration.
6. International cooperation and technical assistance to prevent and address all forms of crime:
   (a) Terrorism in all its forms and manifestations;
   (b) New and emerging forms of crime.
7. Adoption of the report of the Congress.

4. The Assembly also decided that the following issues should be considered in workshops within the framework of the Fourteenth Congress:

(a) Evidence-based crime prevention: statistics, indicators and evaluation in support of successful practices;

(b) Reducing reoffending: identifying risks and developing solutions;

(c) Education and youth engagement as key to making societies resilient to crime;

(d) Current crime trends, recent developments and emerging solutions, in particular new technologies as means for and tools against crime.

5. In its resolution 72/192, the General Assembly decided that, in accordance with its resolution 56/119, the Fourteenth Congress should include a high-level segment in which States would be invited to be represented at the highest possible level, for example, by Heads of State or Government, government ministers or attorneys general, and that representatives would be given an opportunity to make statements on the topics of the Congress; also decided that, in accordance with its resolution 56/119, the Fourteenth Congress should adopt a single declaration, to be submitted to the Commission for its consideration; and urged participants in the regional preparatory meetings to examine the substantive items on the agenda and the

topics of the workshops of the Fourteenth Congress and to make action-oriented recommendations for consideration by it.

6. In that context, it should be recalled that, pursuant to resolution 46/152, the United Nations congresses on crime prevention and criminal justice, as a consultative body of the United Nations crime prevention and criminal justice programme, are to provide a forum for:

(a) The exchange of views between States, intergovernmental and non-governmental organizations and individual experts representing various professions and disciplines;

(b) The exchange of experiences in research, law and policy development;

(c) The identification of emerging trends and issues in crime prevention and criminal justice;

(d) The provision of advice and comments to the Commission on selected matters submitted to it by the Commission;

(e) The submission of suggestions, for the consideration of the Commission, regarding possible subjects for the programme of work.

B. Substantive aspects

7. The Fourteenth Congress offers the international community a unique opportunity to undertake a comprehensive stocktaking exercise, with a view to charting the way forward towards the role that the criminal justice system and the institutions comprising it can play as part of the infrastructure for the achievement of the Sustainable Development Goals of the 2030 Agenda for Sustainable Development.[1]

8. The Fourteenth Congress is uniquely placed to achieve the above-mentioned stocktaking exercise and enable the international community to determine future steps, for the following reasons:

(a) The United Nations congresses on crime prevention and criminal justice are the only major United Nations conference in this field, as well as being the largest and most diverse gathering of policymakers and practitioners in the area of crime prevention and criminal justice, with the participation of parliamentarians, individual experts, academia and representatives of civil society and the media;

(b) The inherent political significance of the congresses, as they have shaped international and domestic policy in the field of crime prevention and criminal justice, have contributed to novel thinking and approaches to complex issues at the heart of the criminal justice system, which is one of the key institutions of the modern State, and have developed "soft law" material setting out normative standards on crime prevention and criminal justice, some of which have been incorporated in treaty language or have found their way into the corpus of customary international law;[2]

(c) The Fourteenth Congress, in particular, comes at an important time in the life of the 2030 Agenda for Sustainable Development, i.e., five years after its adoption and 10 years before its intended maturity. Its timing is auspicious because progress on Sustainable Development Goals 4, 8, 10, 13 and 16, as well as their interlinkages, will be reviewed at the high-level political forum on sustainable development to be

[1] See General Assembly resolution 70/1, in which the Assembly adopted the outcome document of the United Nations summit for the adoption of the post-2015 development agenda.

[2] A/CONF.203/15, para. 45.

held in 2019.[3] Participants in the regional preparatory meetings and in the Fourteenth Congress will be in a position to draw upon the outcomes and recommendations of the review process, including its regional dimensions;

(d) Further, the Fourteenth Crime Congress returns to Kyoto, Japan, 50 years after the Fourth Congress was held there in 1970. The Fourth Congress was groundbreaking in many ways. First, it was the first Congress to be preceded by regional preparatory meetings, which were held in Africa, Asia, Europe, Latin America and the Middle East, as previously there had been little opportunity for experts from all regions to bring to bear regional perspectives and vision to the topics on the agenda. Secondly, it was the first Congress to tackle the relationship between crime and development and to recognize that the younger generation is that most affected by crime. Thirdly, the Kyoto Congress was the first to adopt a declaration, which called on Governments to take effective steps to coordinate and intensify their crime prevention efforts in the context of economic and social development. The foresight of the Fourth Congress is to be highlighted and complimented. However, the fact that these issues retain a prominent presence on the international agenda half a century later, and have more recently acquired added impetus, demonstrates that the international community needs to take more determined actions in finding common and effective solutions;

(e) Finally, the overall theme of the Fourteenth Congress, as well as its comprehensive provisional agenda, as determined by the General Assembly, covers a broad range of crime prevention and criminal justice issues, thereby building upon the Doha Declaration on Integrating Crime Prevention and Criminal Justice into the Wider United Nations Agenda to Address Social and Economic Challenges and to Promote the Rule of Law at the National and International Levels, and Public Participation,[4] which reflects the challenges facing the international community in the area of crime prevention and criminal justice.

II. Substantive focus of the main theme of the Fourteenth Congress on Crime Prevention and Criminal Justice "Advancing crime prevention, criminal justice and the rule of law: towards the achievement of the 2030 Agenda"

9. The Fourteenth Congress is well placed to trigger further policy debate on the importance of the promotion of the rule of law at the national and international levels, as well as the interconnected nature of the Sustainable Development Goals, and how efforts to strengthen the rule of law will contribute to the effective implementation of the entire 2030 Agenda.

10. The following paragraphs provide a contextual lens for the interconnected nature of the Sustainable Development Goals and how advancing crime prevention, criminal justice and the rule of law are instrumental for the achievement of sustainable development. They are meant to be considered in conjunction with the more specific elements contained in chapter III of this guide under the respective agenda items and workshop topics.

[3] See General Assembly resolution 70/299. The establishment of the United Nations high-level political forum on sustainable development was mandated by the outcome document of the United Nations Conference on Sustainable Development held in Rio de Janeiro, Brazil, from 20 to 22 June 2012, entitled "The future we want", as endorsed by the General Assembly in its resolution 66/288. The format and organizational aspects of the forum are outlined in General Assembly resolution 67/290.

[4] General Assembly resolution 70/174.

Sustainable Development Goal 16 in action. Advancing crime prevention, criminal justice and the rule of law: towards the achievement of the 2030 Agenda

11. In the Doha Declaration, adopted by the Thirteenth Congress on Crime Prevention and Criminal Justice, Member States, inter alia, acknowledged that sustainable development and the rule of law were strongly interrelated and mutually reinforcing, and that crime prevention and criminal justice should be integrated into the wider United Nations system. The strongly interconnected nature of the goals attests to the conviction of the international community that the well-being of the planet depends on justice, fairness, equity and equality.

12. After the Thirteenth Congress, in September 2015, the international community adopted the 2030 Agenda for Sustainable Development. The vision that guided the adoption of the Agenda was "a world of universal respect for human rights and human dignity, the rule of law, justice, equality and non-discrimination; of respect for race, ethnicity and cultural diversity; and of equal opportunity permitting the full realization of human potential and contributing to shared prosperity. A world which invests in its children and in which every child grows up free from violence and exploitation. A world in which every woman and girl enjoys full gender equality and all legal, social and economic barriers to their empowerment have been removed. A just, equitable, tolerant, open and socially inclusive world in which the needs of the most vulnerable are met."[5]

13. With the adoption of the 2030 Agenda for Sustainable Development, the rule of law[6] and access to justice have taken their due and rightful role. The new Agenda is all about interconnectivity in all its dimensions and actions, which is manifested in the fact that the achievement of one Sustainable Development Goal or target can reinforce the achievement of another. The Agenda provides an interconnected framework of a series of transformative goals and targets for Governments and other relevant stakeholders and partners at the national, regional and international levels.

14. Peaceful and just societies based on good governance, in which the rule of law and the culture of lawfulness prevail, gain the benefit of higher levels of growth, lower levels of poverty and reduced levels of crime and violence. A sine qua non condition for achieving sustainable development is building peaceful, just and inclusive societies which provide equal access to justice and are based on respect for human rights, on effective rule of law and good governance at all levels and on transparent, effective and accountable institutions.

15. Under the Sustainable Development Goals, specific targets aspire to ensure equal access to justice, promote the rule of law, eliminate violence[7] and some specific forms of crime such as urban crime,[8] trafficking in persons,[9] corruption,[10] wildlife trafficking,[11] and organized crime, illicit arms and illicit financial flows.[12] But beyond these specific targets, the multidimensional approach to development embraced in the Sustainable Development Goals recognizes the links between violence, crime, criminal justice and social, economic and environmental development.

16. The achievement of the above-mentioned targets under each relevant Goal can be effectively pursued only through the infrastructure of efficient and robust crime prevention and criminal justice systems and the institutions comprising them, as well as the institutions designed to support good governance. Such systems and institutions enable communities to achieve the levels of resilience necessary to attain full development.

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[5] General Assembly resolution 70/1, para. 8.

[6] For the definition of rule of law, see S/2004/616, para. 6.

[7] All forms of violence, target 16.1, and more specifically violence against women, target 5.2, and violence against children, target 16.2.

[8] Target 11.7.

[9] Targets 5.2, 8.7, and 16.2.

[10] Target 16.5.

[11] Target 15.7.

[12] Target 16.4.

Sustainable Development Goal 1. End poverty in all its forms everywhere

17. The advancement of the rule of law, nationally and internationally, is seen as essential for the full realization of sustainable development, inclusive economic growth and the eradication of poverty and hunger. Poverty has many manifestations and is aggravated by discrimination, insecurity and inequality.[13]

18. As violence is strongly linked to income inequality, eradicating poverty requires efforts to prevent and address it. Furthermore, poverty also affects the efficiency and accessibility of criminal justice institutions, as can be seen in the Sustainable Development Goal indicators related to target 16.3.

19. In the Doha Declaration, Member States, inter alia, committed themselves to holistic and comprehensive approaches to countering crime, violence, corruption and terrorism in all their forms and manifestations, and to ensuring that those responses are implemented in a coordinated and coherent way, along with broader programmes or measures for social and economic development, poverty eradication, respect for cultural diversity, social peace and social inclusion.[14]

Sustainable Development Goal 3. Ensure healthy lives and promote well-being for all at all ages

20. Crime prevention measures should be integrated into all relevant social and economic policies and programmes, including those addressing employment, education, health, housing and urban planning, poverty, social marginalization and exclusion.[15]

21. The United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), which represent an update of the original rules that were adopted by the First United Nations Congress on the Prevention of Crime and Treatment of Offenders in Geneva in 1955, state that prisoners should enjoy the same standards of health care that are available in the community, and should have access to necessary health-care services free of charge without discrimination on the grounds of their legal status and that health-care services should be organized in close relationship to the general public health administration and in a way that ensures continuity of treatment and care, including for HIV, tuberculosis and other infectious diseases, as well as for drug dependence (rule 24).[16]

Sustainable Development Goal 4. Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all

22. The world today is home to 1.8 billion persons aged 10–24 years, who are potential agents of change and key partners in implementing the 2030 Agenda. Unfortunately, young people continue to be overrepresented among the direct and indirect victims of violence. Almost 70 per cent of all trafficking victims in the period 2010–2012 were children, and young males have the highest risk of becoming victims of homicide.[17]

23. It is broadly recognized that education has a major role to play in shaping the values of future generations, building collective consciousness and reshaping societal preferences. In addition, education helps develop the necessary skills to enact those values. Education systems have the potential to act as a powerful catalyst for peace, justice and crime prevention. The Sustainable Development Goals and targets, specifically target 4.7, call on Member States to engage in education for the promotion of a culture of peace and non-violence.[18]

[13] See A/68/202.
[14] General Assembly resolution 70/174, annex, para. 3.
[15] See Economic and Social Council resolution 2002/13.
[16] General Assembly resolution 70/175, annex.
[17] See E/2016/75.
[18] See E/CN.15/2017/6.

Sustainable Development Goal 5. Achieve gender equality and empower all women and girls

24. Women and girls can act as key drivers for positive transformation and for achieving sustainable development and promoting the rule of law. Promoting access to justice for women and girls and supporting the development of legislation and policies that protect their rights and prevent, as well as respond, to violence against women and girls is crucial to the achievement of Sustainable Development Goal 5.

25. Developing institutional and professional capacities in the crime prevention and criminal justice system relevant to respecting, protecting and fulfilling the rights of women and girls is instrumental in creating the conditions needed so that women and girls can be in a position to claim their inherent rights and be active agents of positive change.

26. Gender-based violence contravenes women's and girls' rights, undermines development and is an affront to our common humanity.[19] Violence against women and girls is a barrier to gender equality, the empowerment of women and overall sustainable development.

27. Trafficking in persons is also explicitly addressed in target 5.2 on the elimination of all forms of violence against all women and girls in the public and private spheres.

28. In General Assembly resolution 72/192, Member States reiterated their commitment, as expressed in the Doha Declaration, to endeavour to mainstream a gender perspective into their criminal justice systems.

Sustainable Development Goal 8. Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all

29. A decade ago, trafficking was thought mainly to involve women trafficked from afar into an affluent country for sexual exploitation. Today, criminal justice practitioners are aware of the diversity of offenders, victims, forms of exploitation and flows of trafficking in persons, and this increased awareness is corroborated by recent statistics on trafficking. In connection with target 8.7, data of the United Nations Office on Drugs and Crime (UNODC) indicate that the share of victims of trafficking for forced labour among trafficking victims increased from 32 per cent in 2007 to 40 per cent in 2011. In 2014, this share remained at about 38 per cent.[20]

30. Target 8.8 on the protection of labour rights and promoting safe and secure working environments for all workers, including migrant workers, in particular women migrants, and those in precarious employment, can be achieved only through effective crime prevention and criminal justice strategies.

Sustainable Development Goal 10. Reduce inequality within and among countries

31. Target 10.7 focuses on the facilitation of orderly, safe, regular and responsible migration, which is essential for eliminating profit opportunities for migrant smugglers and human traffickers, in recognition of the fact that successful strategies to manage migration must be framed within the more inclusive and comprehensive context of development.

32. Greater international cooperation and sustained dialogue to combat illicit financial flows and strengthen good practices is crucial to ensure that inequality is reduced within and among countries. UNODC work to address illicit financial flows contributes to the achievement of target 10.b.

33. In ensuring the full realization of the 2030 Agenda for Sustainable Development, special attention needs to be accorded to the situation of the most vulnerable members of society, including those who are in contact with the criminal

[19] See E/2017/66.

[20] See *Global Report on Trafficking in Persons 2016*.

justice system. Such efforts in recognizing and safeguarding the dignity of all should be guaranteed without any form of discrimination and is key to "leaving no one behind".

Sustainable Development Goal 11. Make cities and human settlement inclusive, safe, resilient and sustainable

34. In recent decades, the world has undergone unprecedented urban growth. In 2015, close to 4 billion people — 54 per cent of the world's population — lived in cities, and that number is projected to increase to about 5 billion people by 2030.[21] In many urban areas, high rates of crime and violence are undermining growth and impeding socioeconomic development, particularly affecting the poor and most vulnerable.

35. In cities, there may be significant risk factors for violence. These include mass unemployment, gang violence, weakened security institutions, organized crime, firearms proliferation, limited government capacity and rising inequality. Seventy-five per cent of the world's cities have higher levels of income inequality than was the case two decades ago, and research shows that urban violence is generally more prevalent in areas of strong disadvantage, social exclusion and poverty.[22]

36. Improving coordinated national and local government crime prevention and urban safety policies and practices that are focused on addressing crime and violence as a multi-causal phenomenon and building reliable and transparent delivery of services — while at the same time bolstering local institutions — is key to providing local stakeholders with the necessary capacity to face challenges posed not only by increasing urbanization but also by global threats, with potentially devastating impacts on local communities.

37. With the 2030 Agenda, the reduction of crime and violence (Goal 16, in particular, target 16.1) and the creation of safe, inclusive and resilient cities (Goal 11) are at the heart of global efforts to promote sustainable development. At the same time, the New Urban Agenda, adopted at the United Nations Conference on Housing and Sustainable Urban Development (Habitat III), held in October 2016,[23] establishes a clear connection between urbanization and development, including a focus on the safety and security of city residents.

38. Moreover, the effective application and implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto and the United Nations Convention against Corruption, as well as the standards and norms in crime prevention and criminal justice, including, among others, the Guidelines for the Prevention of Crime, the guidelines for cooperation and technical assistance in the field of urban crime prevention, and the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), are crucial to ensure urban crime prevention and security.

[21] See E/2017/66.

[22] World Bank, *Violence in the City: Understanding and Supporting Community Responses to Urban Violence* (Washington, D.C., 2011), p. 29. See also United Nations Office on Drugs and Crime, *Governing Safer Cities: Strategies for a Globalised World — A Framework to Guide Urban Policy-Makers and Practitioners*, December 2016, pp. 9–10 ("People living together in close proximity and in conditions of poverty, inequality, marginalisation and poor governance, are more likely to be affected by crime and insecurity. As a result, insecurity and violence threaten enormous numbers of people across the world's cities, with those who bear the brunt of violence often the poorest and most marginalised, particularly women and young people.")

[23] General Assembly resolution 71/256, annex.

Sustainable Development Goal 14. Conserve and sustainably use the oceans, seas and marine resources for sustainable development

Sustainable Development Goal 15. Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reserve land degradation and halt biodiversity loss

39. The Doha Declaration emphasized the importance of addressing the serious problem of crimes that have an impact on the environment, such as trafficking in wildlife, timber and timber products and hazardous waste, as well as poaching, and the commitment of Member States to adopting effective measures to prevent and combat those crimes.[24]

40. Wildlife and forest crime has become a low-risk, high-profit activity for transnational organized criminal groups that is overwhelming countries and communities, affecting biodiversity and development. The fight against trafficking in wild fauna and flora features prominently in the 2030 Agenda. Analysis of wildlife seizure data shows that wildlife crime is a global problem and that without concerted action, wildlife populations are at significant risk. That, in turn, has negative ramifications for local communities, national development and national and regional security, hindering the achievement of sustainable development.

Sustainable Development Goal 17. Strengthen the means of implementation and revitalize the Global Partnership for Sustainable Development

41. Bearing in mind the significant role of the United Nations congresses as the most diverse international forums for the exchange of views and experience in research, law and policy and programme development among States, intergovernmental organizations and individual experts representing various professions and disciplines, the Fourteenth Congress is well positioned to contribute to strengthening the means of implementation and revitalizing the global partnership for sustainable development.

42. Improved policy coordination and coherence and increased multi-stakeholder partnerships are key to the implementation of the new Sustainable Development Agenda. An enabling environment for sustainable development at all levels and by all actors and a reinvigorated Global Partnership for Sustainable Development are of utmost importance in this regard, and the Fourteenth Congress can make a unique contribution to that end.

III. Agenda items and workshops of the Fourteenth United Nations Congress on Crime Prevention and Criminal Justice

43. In its resolution 72/192, the General Assembly recommended that, building on the experience and the success of the Thirteenth Congress, all efforts be made to ensure that the overall theme and the agenda items and workshop topics be interrelated and that the agenda items and workshop topics be streamlined. In view of that and in order to facilitate the preparation for and discussion at the regional preparatory meetings and the Congress itself, the discussion guide clusters the agenda items which deal with issues of broad and global importance together with their respective workshop topics, on the understanding that the latter are designed to cover more specific topics and draw on practical experiences and approaches.

[24] See General Assembly resolution 70/174, annex, para. 9 (e).

Agenda item 3. Comprehensive strategies for crime prevention towards social and economic development

A. Background

44. As mentioned above, crime and violence, as well as economic and social development are closely interlinked. Criminal activities, particularly transnational organized crime, seriously undermine economic growth and harm the well-being of communities. Over the last decades, it has been established that integrated, comprehensive and evidence-based crime prevention strategies positively contribute to social and economic development and the well-being of communities by addressing the risk factors, reducing victimization and breaking the vicious cycle of social exclusion and crime.

45. The Guidelines for the Prevention of Crime, adopted by the Economic and Social Council in its resolution 2002/13, recognize that a holistic approach to crime prevention requires adequate social policies targeting the root causes of crime. They call for crime prevention considerations to "be integrated into all relevant social and economic policies and programmes, including those addressing employment, education, health, housing and urban planning, poverty, social marginalization and exclusion. Particular emphasis should be placed on communities, families, children and youth at risk."

46. Similarly, the Guidelines for the Prevention of Crime and other relevant international standards and norms in crime prevention and criminal justice call for measures to promote well-being of people and encourage pro-social behaviour through social, economic, health and educational measures, with a particular emphasis on children and youth, and focus on the risk and protective factors associated with crime and victimization as an effective approach to youth crime prevention through social development.

47. In the Doha Declaration, Member States expressed their commitment to plan and implement comprehensive policies and programmes that foster socioeconomic development, with a focus on the prevention of crime, including urban crime, and violence.

48. Three of the Sustainable Development Goals make the case for effective crime prevention strategies, namely Goal 5, on eliminating discrimination and violence against women and girls; Goal 11, on making human settlements safe and inclusive; and Goal 16, on reducing crime and violence.

49. Through global, regional and country programmes, UNODC provides guidance and support to Member States in their efforts to adopt fair and effective crime prevention strategies for combating urban crime and violence, transnational organized crime, drug trafficking, corruption and terrorism, in line with relevant international treaties and the United Nations standards and norms in crime prevention and criminal justice.

B. Main issues/substantive focus

1. Preventing the involvement of children and youth in crime and building resilience

50. Supporting the development of children is crucial for shaping them as the adults they will become, and enabling the contribution they can make to society. Unfortunately, children and youth face many challenges that make them vulnerable to crime, violence and victimization. The United Nations Model Strategies and Practical Measures on the Elimination of Violence against Children in the Field of

Crime Prevention and Criminal Justice[25] call for Member States to develop and implement integrated strategies with a holistic approach for preventing and responding to violence against children, as appropriate, mobilizing various State and non-State actors at all levels.

51. The Model Strategies also aim at ensuring effective responses and adequate services for child victims and witnesses to promote their physical and physiological recovery and social reintegration. In addition, the Model Strategies state that the risk of violence associated with various forms of exploitation by criminal groups should be addressed through specific prevention measures, including measures to prevent the recruitment, use and victimization of children by criminal groups, terrorist entities or violent extremist groups.

52. Similarly, the Secretary-General's Plan of Action to Prevent Violent Extremism[26] acknowledges the vulnerability of young people and calls for a comprehensive approach focusing on prevention that includes measures to tackle inequalities, promote youth empowerment and participation and strengthen the knowledge and skills of young people.

53. The justice system, together with child protection, social welfare, health, educational institutions and civil society organizations, have an important role to play in developing effective crime and violence prevention programmes and strategies and in ensuring that children and youth are equipped with values, skills and necessary knowledge, and provided with opportunities to be empowered by participating in such processes and to be more resilient in the face of crime and violence.

54. Preventing child and youth involvement in crime requires an analysis of factors that can increase the risk of them becoming perpetrators or victims of crime, including gang-related crime and violent extremism. For crime and violence prevention strategies to be effective, it is key to determine when in the course of a young person's life risks and protective factors emerge so that the efforts undertaken are appropriate to their stage of social-emotional and cognitive development. Such risks are related to the individual, the family, the community and wider society and can place children and youth at higher risk for crime, violence and victimization, especially in the presence of certain factors that include antisocial behaviour or risk-taking, substance use, ties to antisocial peers, poor parent-child relations, early school drop-out, low quality of education or lack thereof, and lack of job opportunities. Exposure to risk factors needs to be thoroughly considered in order to reduce the prospect of these problems occurring or reoccurring, and in order to strengthen protective factors. This can be done, for example, through programmes that develop social and cognitive skills, parenting skills programmes and multidimensional school-based prevention initiatives, and through educational programmes that promote values and life skills. Furthermore, empowering children and youth and engaging them as agents of change by making use of their energy and ideas offers enormous potential for achieving positive change in society, including effective crime prevention programmes, as well as educational programmes that promote values and life skills.

55. Such evidence-based programmes should be part of comprehensive crime prevention strategies that link all relevant policies needed for the promotion of justice, social development and inclusion. Strategies aimed at preventing child and youth involvement in violence and crime offer the greatest return in the long term for achieving the Sustainable Development Goals and should be identified as a crime prevention priority.

56. Children and youth must be viewed as an asset to their communities and must be empowered to become responsible citizens that can make a constructive contribution to the social, political and economic development of their society. To make this happen, access to quality education and jobs is, of course, key, but also the establishment of consultation mechanisms and community structures that allow

[25] General Assembly resolution 69/194, annex.

[26] See A/70/674.

children and youth to be heard when developing and implementing government-led initiatives aimed at preventing crime and enhancing safety and security for all.

2. Urban crime prevention

57. The Doha Declaration, in its paragraphs 9 (d) and 10 (a), stresses the importance of planning and implementing comprehensive policies and programmes that foster socioeconomic development, including with a focus on urban crime and violence, as well as the need for further research on links between urban crime and manifestations of organized crime to inform evidence-based government responses.

58. In recent years, the world has experienced unprecedented urbanization, with high rates of crime impeding growth and social development. There is agreement that national targets of the Sustainable Development Goals need to be localized and addressed at the subnational levels, with cities aligning their crime prevention efforts with broader goals. An integrated, needs-based approach to urban crime prevention, sustainable development and urbanization more broadly requires effective collaboration and regulation among cities and national authorities to promote the resilience of communities. The importance of an inclusive approach has been highlighted in the New Urban Agenda and its implementation plan, in which States affirm that they will "engage relevant local communities and non-governmental actors...taking into account...vulnerability and cultural factors in the development of policies."[27]

59. Cities and local communities are well placed to support the identification of crime prevention priorities, the implementation and evaluation of strategies, and, by recognizing early warning signals related to criminal patterns of behaviour and developments, including violent extremism, direct the efforts of relevant services within the criminal justice system and beyond. Cities can support their citizens in building resilience to crime and violence, given their understanding of local challenges and opportunities, which requires innovative thinking about who may be able to contribute to changing behaviour and bolstering the intervention capacities of communities.

60. The development of United Nations system-wide guidelines on safer cities is an important and timely initiative, and those guidelines are intended to complement existing international standards and norms on crime prevention. UNODC recently provided advice to the United Nations Human Settlements Programme, which is leading the development of the guidelines, highlighting in a set of recommendations components of effective crime prevention that national and local authorities may wish to consider as part of their efforts to enhance safety and security in cities and urban areas. Given that urban crime prevention action is required at various levels of government, UNODC recommends that the guidelines indicate clearly whether initiatives are to be taken at the national, subnational or city level, or at more than one level.

3. Community-based and inclusive policing

61. The police is often entrusted with the main responsibility for crime prevention at the national and local levels. Building a responsive and representative police institution that strives for good community relations is an important aspect of developing participatory crime prevention approaches that involve local actors and civil society. Effective community-oriented policing can contribute to improving reporting and responses to crime, ensuring better access to justice for victims and improving relations between local actors and building social cohesion. In rural areas, community-oriented policing can play a key role in promoting communal values and positive conflict resolution through crime prevention strategies adapted to the local context.

[27] General Assembly resolution 71/256, annex, para. 103.

62. Community-oriented policing can also enable the adoption of specialized responses to crimes against children or sexual and gender-based violence, and helps to build a police force with representation of minority or particularly vulnerable groups. At the same time, it can be a tool for improving protection and the promotion of human rights and the prevention of human rights abuses by the police. Community-oriented policing has the potential to provide a useful tool as part of comprehensive strategies to help prevent violent extremism by engaging the community on the issue of radicalization to violence and empowering the community to become part of the solution.

63. Migrants and refugees are often at high risk of experiencing violence. Prevention of violence against migrants, migrant workers and their families needs to be addressed at multiple levels, including at the community level. A clear and comprehensive immigration policy, based on sound statistical data, could help to better integrate migrants, making them less vulnerable to violence and crime. Further preventive measures may include awareness-raising campaigns to address discrimination; access to justice, including removing linguistic, social and cultural barriers; support and assistance to migrant victims; measures to improve relations between migrants and the police; and media relations with migrant communities.

4. Gender-sensitive crime prevention strategies

64. In order to be comprehensive and effective, crime prevention strategies also need to address the social cost of violence against women by recognizing and addressing gender-related aspects of the prevention of crime. This requires not only a focus on preventing crime that targets or affects women and girls but also an effort to analyse and respond to the different ways in which women and men are involved in crime. To end violence against women, crime prevention strategies should be multisectoral and address the root causes of violence, both de jure and de facto discrimination against women in all spheres of life, and promote the realization of women's human rights, including economic, social and cultural rights, and measures to empower women and strengthen their economic independence.

65. Furthermore, for crime prevention strategies to be gender sensitive, Member States should consider developing and implementing strategies that challenge attitudes and behaviours, including among criminal justice officials, improve the personal safety of women, and gender-mainstream institutional policies, regulations, protocols and guidelines, as well as appropriate criminal justice communications strategies. Developing and delivering gender-sensitive crime prevention strategies can engage a wide range of stakeholders such as communities, religious and community leaders, civil society and women's organizations, children and youth, and the private sector, including the media.

C. Questions for discussion

66. Participants in the regional preparatory meetings and in the Fourteenth Congress may wish to consider the following questions for further discussion:

(a) Are there good practices in developing and implementing comprehensive crime prevention plans, including measuring their impact?

(b) Are there examples of costing crime prevention plans and ensuring their financing from national resources in a sustainable manner?

(c) What measures should be taken by Member States to enhance the interoperability of the justice system with other systems, including child protection, health and education, in order to prevent youth and child involvement in crime?

(d) What are promising practices and lessons learned regarding comprehensive crime prevention strategies focusing on the prevention of child involvement in crime?

(e) What are good practices in involving local communities and non-governmental actors when designing crime prevention strategies in an urban context?

(f) How can police reform and community-based policing contribute to comprehensive crime prevention strategies? How is the impact of such efforts measured? What programmes have been successful in making the police more representative and inclusive?

(g) What is required to ensure that crime prevention strategies respond to the different ways in which women and men are victimized or involved in crime?

(h) What are good practices in developing and implementing crime prevention strategies that incorporate a gender perspective?

(i) What are promising practices in preventing violence against women in the field of crime prevention and criminal justice?

Workshop 1. Evidence-based crime prevention: statistics, indicators and evaluation in support of successful practices

A. Scope

1. Evidence-based policymaking

67. Evidence-based policymaking refers to a process in which strategic planning and decisions are driven by the interpretation of available information, through the production and analysis of data, the review of scientific evidence and the monitoring and evaluation of policies, programmes and activities.

68. Even though evidence for rational policymaking has become a standard decision-making tool, it is a complex process that encompasses several key factors. First, there is a need for relevant, reliable and available data and evidence. Secondly, concrete tools are required to adapt available information to specific contexts, issues and stakeholders according to their needs and objectives. Thirdly, all relevant stakeholders should have a common understanding of key measures to adapt the available information to the specifics of the targeted problem, followed by a joint strategy for action. Fourthly, a review mechanism is integrated in the cycle, and transparent evaluation on what works and what does not is conducted to foster a results-oriented culture.

69. The Sustainable Development Goals framework derives much of its power from the measurability of the progress made for each target, and goal indicator frameworks can help at all levels (national, regional and international) to measure and evaluate the impact of crime prevention, primarily on the basis of national data and country-led evaluations.

2. Crime prevention: a multi-level effort

70. Regarding crime prevention initiatives, different types of criminal activities have a varying prevalence at different geographic levels, underlining the importance of taking into account different scales in the production of data. These levels also pose different challenges when producing the evidence needed to formulate crime prevention policies and when evaluating policy outcomes.

3. Global level

71. At the global level, there are a variety of transnational crimes, such as cybercrime or large-scale trafficking of goods and persons. This requires global assessments, based on national inputs and data, which are often provided by

international organizations such as UNODC through its global reports,[28] in order to foster dialogue, build consensus and eventually produce international legal and policy instruments for crime prevention. This also requires the development of international tools such as goals, norms, standards and indicators, as well as common concepts and definitions, including in terms of the standardization, sharing and accessibility of data.

72. Global-level information enhances the ability to understand the dynamics of criminal markets. To understand where and how preventive interventions should be applied, a detailed picture of the market actors and their incentives must be drawn and regularly updated.[29] Moreover, this understanding is a valuable tool for evaluating and reflecting on what works in crime prevention and what does not.

4. Regional level

73. Regional and subregional crime prevention involves using opportunities to build multilateral cooperation and tools between neighbouring countries or countries with similar historical, economic and cultural backgrounds. Regional tools such as regional observatories on transnational crime, ensure harmonized, integrated data and information, as well as data-sharing mechanisms.

74. When dealing with transnational issues at the global or regional level one challenge with data collection and analysis is related to the diversity of regulatory frameworks and the differences in administrative and technological capacities in different countries. Global- and regional-level evidence-based prevention can suffer from the difficulty of creating transnational data sets aggregating data from very different data collection models and systems where the capacity to ensure quality, reliability and comparability of data varies greatly. This also hampers the possibility of conducting evaluations of sufficient quality at the global level to inform international efforts in crime prevention. Member States may discuss how attempts to create transnational data sets can take into consideration the differences in the legal system and practice of each country.

5. National level

75. National-level efforts revolve around the institutional policies and responses and the role of the criminal justice system in crime prevention. National-level data collection is able to generate evidence on crime and its connection to many factors such as inequalities, cultural practices and social tensions. This evidence enhances the capacity to create legislative and policy frameworks and design comprehensive strategies.

76. At the country level, challenges with respect to evidence generation include the ability to create collaboration among different stakeholders. National statistics and information should enhance a comprehensive view of crime-related risks and enablers, as well as identify vulnerable and at-risk groups. This requires the standardization of protocols and procedures to ensure quality and reliability of data, proper disaggregation, the harmonization of collection processes across agencies, as well as protocols for the sharing of data and information.[30] These actions are required

[28] The *World Drug Report*, the *Global Report on Trafficking in Persons*, the *Global Study on Homicide* and the World Wildlife Crime Report, published by UNODC, are examples of global-level reporting based on global data collection.

[29] Evidence should include, for example, contraband seizure data, price data to show the mark-ups and the status of the illicit market, data from criminal justice activities, and survey data, which allows access to insight from both illicit and parallel licit actors into the nature and trends of the market.

[30] In this regard, international statistical standards such as the International Classification of Crime for Statistical Purposes, guidelines and standards on victimization and corruption surveys, criminal justice assessment toolkits, monitoring and evaluation tools, and other standardized methodologies promoted by UNODC, such as the multiple system estimation method to quantify undetected victims of trafficking, provide important guidance to national data processes.

also to strengthen national evaluation capacities and systems, which are essential for achievements and failures and highlight good practices at the national level.

6. Local level

77. Crime prevention at the local and municipal levels can address the immediate experiences of citizens such as feelings of insecurity, safety in public spaces, property crime and other crimes against the person. Local-level crime prevention efforts are dependent on the capacity to design specific policies involving local actors, including targeted communities, civil society and first-line institutions in charge of implementation. This requires local-level data generation and analysis tools such as safety audits for evidence-based policy, capacity to ensure high-quality data production and appropriate skills in conducting high-quality evaluations and in ensuring that all relevant stakeholders are included in these processes.

B. Objectives

78. The objectives of Workshop 1 are the following:

(a) Discuss the evidence needed to inform efficient and effective crime prevention policies and how this evidence might be gathered. Different types of evidence are needed depending on whether the crime prevention initiative is international, regional, national or local in character. The workshop will also discuss how this evidence can be used to generate crime prevention strategies and interventions, especially in the context of the Sustainable Development Goals;

(b) Address the challenges related to the generation of high-quality statistical data, which is the first step to inform crime prevention strategies. These challenges go beyond the areas of crime and criminal justice statistics, since they need to be linked to other social, economic and environmental issues. Discussion will focus on the consolidation and improvement of existing statistical systems for crime prevention and innovation in terms of the development of more accurate and more cost-effective methodologies;

(c) Discuss effective mechanisms to ensure that official data are produced, coordinated and shared transparently with all actors. Different government institutions, covering different areas, need to be involved in the production and use of evidence relevant for crime prevention;

(d) Cover the undertaking of unbiased and authoritative analysis to ensure that data are interpreted and put in the context of broader development issues to feed crime prevention purposes. Given the ever-changing and multifaceted nature of crime, the issue at hand is how to ensure sustainable mechanisms for analysis and research on crime prevention, both nationally and internationally. This is related to ensuring that high-quality evaluation results are delivered in order to provide information for the development of efficient crime prevention policies;

(e) Discuss the link between evidence/knowledge and crime prevention policies, which is not always firmly established. Several communication challenges exist, and analytical outputs often fail to reach public opinion and decision makers in an effective manner. Establishing a participatory approach and a constructive dialogue can be an effective way to foster the use of evidence in public discourse on crime prevention;

(f) Shed light on the need to strengthen national evaluation capacity and systems, including in the light of the review mechanism of the Sustainable Development Goals, and to inform policy planning and implementation and identify best practices, lessons learned and innovation in successful crime prevention. Solid evaluation approaches are needed at different levels (local, national, regional and international) to ensure that complex phenomena are analysed and reviewed at the appropriate geographical and governance level;

(g) Discuss the comprehensiveness of the Sustainable Development Goals framework as an important enabler for the production and use of evidence for crime prevention. Integrating the crime and criminal justice system in the broader context of the Sustainable Development Goals and their monitoring is key and requires bridging the gap between different communities of experts and practitioners, at the national and international levels;

(h) Discuss the cost-effectiveness and practicality of crime prevention programmes.

C. Questions for discussion

79. Participants in the regional preparatory meetings and in Workshop 1 at the Fourteenth Congress may wish to consider the following questions for further discussion:

(a) What kind of tools can help to strengthen existing information systems for the development of evidence-based policies and practices; in relation to:

(i) Data production;

(ii) Data analysis;

(iii) Interpretation and application of scientific evidence for specific issues and contexts;

(iv) Monitoring;

(v) Evaluation;

(b) What tools already exist? What are their strengths, and how can they be improved? How can they be used for monitoring and evaluation?

(c) How can these tools be adapted to the different levels, namely global, regional, national and local levels, according to their characteristics? In particular, which tools are needed to support the implementation of proper crime prevention policies at the local, national, regional and international levels?

(d) How can these tools promote, support and include the broad participation of all relevant stakeholders, including non-State actors, academia, civil society, private sector and communities?

(e) How can the evaluation of projects, programmes, strategies and policies contribute to improved evidence-based crime prevention?

(f) What are the prerequisites for ensuring that no one is left behind and that gender considerations are fully reflected in these processes?

(g) Which challenges exist at the national level for the establishment of effective communication between the crime prevention community, the public and decision makers? Is the evidence from crime prevention research used in shaping national crime prevention policies in both developed and developing countries?

(h) What innovative approaches and methodology are needed to understand the evolution of complex and new forms of crime (such as transnational organized crime, environmental crime and economic crime)? How can States, international cooperation structures and international organizations such as the United Nations support the development and implementation of such tools at the local, national, regional and international levels?

(i) How can the Sustainable Development Goals framework help to prioritize national data collection on crime and criminal justice systems?

(j) How can the Sustainable Development Goals framework foster the dialogue between crime prevention and criminal justice practitioners and the development community?

(k) How can the Sustainable Development Goals framework help to prioritize national evaluation capacity and systems to foster a culture of evaluation and accountability in the area of crime prevention?

(l) How can the link between evaluation and policymaking be strengthened to improve policy and strategy development and implementation and increase the effectiveness of crime prevention measures?

Agenda item 4. Integrated approaches to challenges facing the criminal justice system

A. Background

80. Criminal justice systems worldwide face numerous challenges requiring integrated and coordinated approaches that respect, protect and fulfil the rights of victims, witnesses, offenders and prisoners in line with the international standards and norms in crime prevention and criminal justice.

81. As mentioned in chapter II of this guide, the achievement of several Sustainable Development Goals depends directly on the ability and capacity of meeting successfully key challenges for criminal justice systems, including to end all forms of discrimination and violence against women and girls (targets 5.1 and 5.2), to reduce all forms of violence and related death rates (target 16.1), to end violence against children (target 16.2), to promote the rule of law and equal access to justice for all (target 16.3), to strengthen relevant national institutions for building capacity at all levels (target 16.a), as well as Goal 10, on reducing inequality, and Goal 17, on the Global Partnership for Sustainable Development. These priorities are reflected in the Doha Declaration, which stressed the importance of effective, fair, humane and accountable criminal justice systems and the institutions comprising them in order to advance the United Nations Sustainable Development Agenda.

82. UNODC supports Member States in addressing these challenges and meeting these Sustainable Development Goals, by building the capacity of criminal justice institutions through integrated technical assistance programmes at the global, regional and country levels, based on relevant international standards and norms. Criminal justice reform is a key pillar of all UNODC regional programmes, which are complemented by the UNODC global programmes on prison challenges and on violence against children, as well as its forthcoming global programme on violence against women. UNODC stands ready to step up these efforts and engage in long-term and sustained technical cooperation to ensure that criminal justice systems are able to meet these commitments by 2030.

83. An important element that needs to be considered in the context of challenges facing the criminal justice system is reducing reoffending, which will be elaborated upon in line with the discussion under Workshop 2.

B. Main issues/substantive focus

1. Victim-centred approaches to crime

84. Among those most often left behind in criminal justice systems are victims of crime. Reforms to create more victim-centred criminal justice systems are essential to prevent secondary and repeat victimization and to increase the reporting of incidents, thus responding more effectively to crime. This includes setting up victims support and assistance programmes, measures to allow for reparations and restitution and the use of restorative justice. In addition, specific groups of victims and victims

of particular types of crimes require specialized responses. Child victims in particular are often neglected by the criminal justice system.[31]

2. Police and security sector reform as part of integrated criminal justice reform

85. The reform of the police and other law enforcement institutions can contribute to an effective, fair and efficient criminal justice system. Such reform includes developing effective accountability and oversight mechanisms, ensuring that investigations are intelligence-led rather than rely on confessions, with the associated risk of coerced confessions, and transform the police into a service rather than a force.

3. Violence against women

86. The role of such reform is particularly evident in cases of violence against women, including gender-related killing of women and girls. Criminal justice responses are a key aspect of the comprehensive, coordinated, multisectoral and sustained approach required to fight impunity for such violence. Specific challenges include developing and implementing adequate legislative and policy frameworks, strengthening the capacity of police, prosecutors, judges and other criminal justice professionals to effectively investigate, prosecute and punish perpetrators and to provide essential services to victims and survivors.[32] Close partnerships and coordination with the health and social sectors are crucial,[33] including civil society organizations that play a significant role in providing support and assistance to women in many countries. The updated Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice[34] provide specific guidance on integrated approaches to address these challenges effectively.

4. Violence against children

87. Justice systems also face challenges in effectively responding to violence against children. Such violence occurs in all settings — often interconnected — such as communities, homes, schools, detention centres and childcare institutions, thus requiring integrated approaches from different disciplines. Challenges range from the lack of a specialized justice system, the legal status of the children, the lack of safe-child and gender-sensitive approaches, mistrust of the justice system, and the lack of multisectoral coordination mechanisms. One particularly serious form of violence against children requiring urgent attention is recruitment and exploitation of children by terrorism and violent extremist groups.[35] The United Nations Model Strategies and Practical Measures on the Elimination of Violence against Children in the Field of Crime Prevention and Criminal Justice call for efforts to eliminate all forms of violence in public and private settings, integrate the protection of children

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[31] See the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime (Economic and Social Council resolution 2005/20, annex), and the United Nations Model Strategies and Practical Measures on the Elimination of Violence against Children in the Field of Crime Prevention and Criminal Justice (General Assembly resolution 69/194, annex), part two (Enhancing the ability and capacity of the criminal justice system to respond to violence against children and protect child victims).

[32] See *Handbook on Effective Police Responses to Violence against Women*, Criminal Justice Handbook Series (United Nations publication, Sales No. E.10.IV.3) and UNODC, *Handbook on Effective Prosecution Responses to Violence against Women and Girls*, Criminal Justice Handbook Series (Vienna, 2014).

[33] See the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) and others, "Essential services package for women and girls subject to violence", 10 December 2015. Available at www.unwomen.org.

[34] General Assembly resolution 65/228, annex.

[35] UNODC, *Handbook on Children Recruited and Exploited by Terrorist and Violent Extremist Groups: The Role of the Justice System* (Vienna, 2017).

in broader rule of law reform and ensure children's access to fair, transparent and child-sensitive justice systems which can enforce and protect their rights.[36]

5. Prison challenges and their root causes

88. Prison overcrowding and inadequate prison conditions are symptoms of systemic challenges facing criminal justice systems that require integrated approaches. They range from reducing the scope of imprisonment to improving prison conditions and supporting social reintegration of offenders upon release[37] and require coordination among agencies and with other sectors. Particularly important and cost-effective are efforts at the "front end" to reduce pretrial detention and promote non-custodial measures,[38] to explore restorative justice options,[39] and to ensure access to legal aid[40] and proportionality in the criminal justice system, as well as police reform and the appropriate use of force by police.[41] Ensuring that prisoners are treated in line with the Nelson Mandela Rules and other international standards and norms requires investments, including in tailored induction and in-service capacity-building of prison staff, facing the demanding task of ensuring the safe, secure and humane custody of prisoners.

6. Specific circumstances and backgrounds of offenders

89. Certain population groups are at particular risk of being left behind and require specific attention. Offenders from poor and marginalized backgrounds are overrepresented in criminal justice systems. Women offenders face particular challenges in criminal justice systems traditionally designed for men.[42] Offenders and prisoners with special needs, including migrants and other foreign nationals, persons with disabilities, and ethnic and racial minorities face intersecting forms of discrimination.[43] Repeat offenders account for a large part of the crime committed in a society and often have multiple needs to be addressed.

90. Particular challenges also arise in addressing specific forms of crime, such as terrorism-related offences or organized crime.[44] Faced with increasing numbers of offenders who are members of organized criminal or violent extremist groups, criminal justice systems need to develop integrated approaches, reduce recidivism and implement coordinated intersectoral interventions for high-risk prisoners, avoid radicalization to violence or terrorist recruitment and increase the likelihood of their rehabilitation, disengagement from violence and social reintegration.[45] Classification

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[36] See UNODC, *Planning the Implementation of the United Nations Model Strategies and Practical Measures on the Elimination of Violence against Children in the Field of Crime Prevention and Criminal Justice: A Checklist*; UNODC, *Handbook for Professionals and Policymakers on Justice in Matters involving Child Victims and Witnesses of Crime*, Criminal Justice Handbook Series (United Nations publication, Sales No. E.10.IV.1).

[37] See UNODC, *Introductory Handbook on the Prevention of Recidivism and the Social Reintegration of Offenders*, Criminal Justice Handbook Series (2012), and the discussion guide on workshop 2.

[38] See *Handbook of Basic Principles and Promising Practices on Alternatives to Imprisonment*, Criminal Justice Handbook Series (United Nations publication, Sales No. E.07.XI.2); UNODC, *Handbook on Strategies to Reduce Overcrowding in Prisons*, Criminal Justice Handbook Series (Vienna, 2013).

[39] See *Handbook on Restorative Justice Programmes*, Criminal Justice Handbook Series (United Nations publication, Sales No. E.06.V.15).

[40] See discussion guide on agenda item 5.

[41] See UNODC and United Nations High Commissioner for Human Rights, *Resource Book on the Use of Force and Firearms in Law Enforcement*, Criminal Justice Handbook Series (HR/PUB/17/6).

[42] See *Handbook on Women and Imprisonment* (United Nations publication, Sales No. E.14.IV.3).

[43] See *Handbook on Prisoners with Special Needs*, Criminal Justice Handbook Series (United Nations publication, Sales No. E.09.IV.4).

[44] See discussion guide on agenda item 6.

[45] See UNODC, *Handbook on the Management of Violent Extremist Prisoners and the Prevention of Radicalization to Violence in Prisons*, Criminal Justice Handbook Series (Vienna, 2016) and UNODC, *Handbook on the Management of High-Risk Prisoners*, Criminal Justice Handbook Series (Vienna, 2016).

systems and risks and needs assessments of offenders are a precondition to allocate offenders to suitable prison regimes and programmes.

C. Questions for discussion

91. Participants in the regional preparatory meetings and the Fourteenth Congress may wish to consider the following questions for further discussion:

(a) What good practices exist in making criminal justice systems more victim-centred and adopting a rights-based approach to the protection of, support and assistance to victims of crime?

(b) What are effective measures to increase the participation of victims in restorative justice programmes? What are the outcomes of studies assessing the impact of restorative justice programmes?

(c) How can police reform, including the review of use of force policies, contribute to more efficient and integrated criminal justice reform efforts?

(d) How can countries promote collaboration and coordination among relevant agencies and services for victims and survivors of violence against women, in order to enhance integrated protection services, including health and social services, legal advice and police assistance?

(e) What is the impact of improved linkages between health and social services and criminal justice agencies in terms of reporting, recording and responding appropriately to violence against women, while protecting these women's privacy?

(f) What experiences exist concerning coordinated approaches among criminal justice agencies to assess the risk of violence against women?

(g) Are there any good practice examples of international cooperation to prevent and address violence against women, such as repatriation and reintegration of women victims of violence who have been trafficked or kidnapped across borders or the cross-border recognition and enforcement of protection orders?

(h) How can justice systems, in cooperation with other systems, prevent and respond appropriately to incidents of violence against children, including those recruited and exploited by terrorist and violent extremist groups?

(i) What are good practice examples of effective ways to promote coordination between the justice and child protection systems to prevent and respond to all forms of violence against children?

(j) What are lessons learned to reform legal, policy and operational frameworks to enable access to fair, transparent and child-sensitive justice systems?

(k) What are good practice examples and lessons learned of evidence-based social reintegration programmes for children developed in cooperation with education, social and health systems?

(l) What are the most effective ways to promote proportionality in sentencing by criminal courts?

(m) How have countries reduced the excessive use of pretrial detention and addressed prison overcrowding?

(n) What role do non-custodial measures play at different stages of criminal proceedings?

(o) How can countries properly train and equip prison officers to fulfil their demanding tasks in a professional manner?

(p) What measures have countries taken to mainstream gender in criminal justice policies and practices? How effective are gender-specific measures in addressing discrimination against women who are accused, sentenced or imprisoned?

In particular what are the experiences of countries in adopting diversionary measures and pretrial and sentencing alternatives that take into account the history of victimization and caretaking responsibilities of women offenders?

(q) How can criminal justice systems respond more effectively to discrimination against persons with special needs and address such needs of offenders and prisoners of these categories?

(r) What are good practices in managing high-risk prisoners, violent extremist prisoners and the prevention of radicalization to violence in prisons?

(s) What are good practices and lessons learned in responding to repeat offenders, who impose risks to society as well as require multifaceted support?

Workshop 2. Reducing reoffending: identifying risks and developing solutions

A. Scope

1. Reducing reoffending

92. In order to achieve the Sustainable Development Goals, attention needs to be given to reducing crime, including preventing recidivism. In order to prevent recidivism, it is important to provide appropriate programmes to offenders both in and out of correctional institutions. It is also important to address the root causes of recidivism such as poverty and discrimination.

93. Recidivism refers to whether or not a person who is or has been the object of a criminal justice intervention commits a new criminal offence. Although reliable global statistics on recidivism rates are currently not available, both developed and developing countries, experience recidivism. Many offenders, even after severe sentences of imprisonment, repeatedly fail to desist from crime and reintegrate into the community as law-abiding citizens.

94. Reducing reoffending means fewer victims, greater community safety and less pressure on law enforcement agencies and criminal justice institutions. Successfully reintegrating offenders will result in fewer appearances before criminal courts, lower rates of imprisonment and prison overcrowding, and lower costs for the criminal justice system.

95. Reducing reoffending and supporting offenders to become productive members of society requires a multifaceted approach. This includes adequate investments in offender rehabilitation programmes both within prison and in the community, effective crime prevention strategies, and appropriate use of alternatives to imprisonment. For such interventions to be effective, they must take into account the various factors that increase the risk of reoffending and make it difficult for offenders to reintegrate into society, such as substance abuse, unsupportive families, mental and physical illness, antisocial cognition,[46] personality and temperament,[47] and early victimization.

96. UNODC assists Member States in their efforts to reduce reoffending, including by building the capacity of criminal justice institutions through targeted technical

[46] This factor includes thought processes that are conducive to committing a crime, such as rationalizing crime (such as the victim deserves it, the victim liked being assaulted, society is unfair, societal rules are stupid and the criminal justice system is corrupt). It also includes attitudes of defiance towards the rules and an identification with criminals. See Donald A. Andrews and James Bonta, *The Psychology of Criminal Conduct*, 5th ed. (New Providence, New Jersey, Mathew Bender and Company, 2011), p. 59. See also *Introductory Handbook on the Prevention of Recidivism*, p. 38.

[47] Andrews and Bonta define it as follows: "In everyday language: impulsive, adventurous, pleasure-seeking, generalized trouble ... restlessly aggressive, callous disregard for others." (*The Psychology of Criminal Conduct*), p. 58.

assistance programmes in the areas of rehabilitation and social reintegration programmes, sentencing policies and alternatives to imprisonment, including restorative justice. UNODC technical assistance is provided at the global, regional and country levels, in line with the relevant international standards and norms.

2. Rehabilitation and social reintegration

97. With a view to reducing recidivism and consistent with the United Nations Standard Minimum Rules for the Treatment of Prisoners[48] (the Nelson Mandela Rules), criminal justice interventions should be tailored to address the individual needs and situation of offenders based on thorough and continuing assessments of the needs, capacities and dispositions of individual offenders. Furthermore, the evaluation of programmes and interventions is essential for understanding the extent to which the intended results have been achieved. Evaluation findings can serve as important lessons that constitute an evidence basis through which future programmes or interventions are guided.

98. In addition, when designing and delivering measures aimed at reducing recidivism, particular attention must be paid to carefully balancing the need for the protection of society, the rights of victims and the offender's fundamental rights.

99. It is well known that imprisonment alone is insufficient to prevent criminal reoffending in the long term. Investment in prisons without a complementary investment in rehabilitation and reintegration programmes does not lead to a significant reduction in recidivism, and may even aggravate the problem.

100. The period of imprisonment should be used to ensure, as far as possible, that upon their return to the community, offenders are not only willing but also able to lead law-abiding lives. Effective crime prevention strategies at both the local and national levels must therefore pay special attention to the rehabilitation of prisoners and their social reintegration into the community upon release, including follow-up supervision and assistance after release.

101. Effective rehabilitation and social reintegration measures may not necessarily require imprisonment, as many of those measures can be delivered more effectively in the community. This is particularly relevant for offenders with specific needs, such as elderly offenders, mentally ill offenders, people with drug use disorders, and overrepresented groups, such as indigenous peoples and racial or ethnic minorities.

3. Sentencing policies, intervention options and alternatives to imprisonment

102. Overreliance on imprisonment exacerbates the weaknesses of overburdened criminal justice systems, which in turn affects their ability to reduce reoffending and promote social reintegration of offenders.

103. Use of non-custodial measures, including community-based sanctions, diversion programmes, probation and referrals to drug or mental health treatment programmes, can be a more efficient way to facilitate social reintegration of offenders and reduce recidivism. Non-custodial measures put offenders in a better position to learn skills to reintegrate into society and tend to strengthen their relationships with members of the community. Offenders who have a strong connection to their community and who care about the people around them are less likely to reoffend.

104. The United Nations Standard Minimum Rules for Non-custodial Measures[49] (the Tokyo Rules) emphasize that imprisonment should be considered a last resort and encourage the promotion of non-custodial measures, taking into account the need to balance the rights of offenders, rights of victims, and the protection of society.

105. Use of alternatives to imprisonment is an approach well suited to women offenders. Women are often imprisoned for minor offences as a result of multiple layers of discrimination and deprivation. A majority of them do not pose a high risk

[48] General Assembly resolution 70/175, annex, rule 94.

[49] General Assembly resolution 45/110, annex.

to society, yet they have specific needs, such as caretaking responsibilities or gender-specific physical and mental health-care needs, particularly those with a history of domestic violence and sexual abuse.

106. Most jurisdictions do not have gender-specific alternatives to imprisonment that are tailored to meet the specific requirements for women. The United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders[50] (the Bangkok Rules) provide guidance in this regard, with a set of recommendations of gender-specific options for diversionary measures and pretrial and sentencing alternatives, including the recommendation to consider mitigating factors in the light of women caretaking responsibilities and typical backgrounds, at sentencing.

107. Restorative justice programmes can also be an effective intervention in reducing recidivism when they are carried out in accordance with procedural safeguards, giving due regard to the rights and needs of both offenders and victims. Giving offenders an opportunity to understand and recognize the consequences of their actions and the impact that those actions have had on those around them — including the victims, their families and members of the community — increases the chances of offenders taking responsibility for their behaviour.[51]

B. Objectives

108. The objectives of Workshop 2 are the following:

(a) Exchange research evidence and practitioner's experience in reducing recidivism, in particular through:

(i) Prison-based rehabilitation programmes, services to prepare offenders for their release from prison, and after-care services delivered in the community;

(ii) Rehabilitation programmes delivered as part of the implementation of non-custodial sanctions in order to avoid institutionalization and to assist offenders in their early reintegration into society;

(iii) The development and implementation of alternatives to imprisonment, including restorative justice programmes;

(b) Shed light on the required linkages between the various agencies and stakeholders relevant for the implementation of the above-mentioned interventions, programmes and services, including both governmental and non-governmental stakeholders.

C. Questions for discussion

109. Participants in the regional preparatory meetings and the participants of Workshop 2 may wish to discuss the following questions:

(a) What are national experiences in collecting data on patterns of reoffending and assessing the impact of various approaches to reducing recidivism?

(b) What are the outcomes of research undertaken to measure the impact of rehabilitation and social reintegration programmes on reducing recidivism?

(c) What are good practices in developing effective rehabilitation and reintegration programmes?

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[50] General Assembly resolution 65/229, annex.

[51] The basic principles on the use of restorative justice programmes in criminal matters (Economic and Social Council resolution 2002/12, annex) provide guidance to Member States in implementing restorative justice processes by setting the parameters for its use, as well as the essential procedural safeguards. See also Economic and Social Council resolution 2016/17.

(d) What are promising models for conducting offender assessments (both in prisons and/or as part of non-custodial sanctions), undertaken to identify an offender's risk and needs as a basis for tailored rehabilitation and social reintegration programmes?

(e) How can countries combine institutional and community-based interventions by various governmental and non-governmental agencies? In particular, how can governmental and non-governmental stakeholders cooperate effectively in reducing recidivism, including in closed settings and in the community, with a view to ensuring continuity of care and to avoiding that initial investments into the social reintegration of offenders are compromised?

(f) What approaches are effective and sustainable in terms of promoting support from the general public for the rehabilitation and social reintegration of offenders, including in low-income countries?

(g) What makes rehabilitation and reintegration programmes successful for offenders who have specific needs, such as:

(i) Elderly offenders;

(ii) Mentally ill offenders;

(iii) Overrepresented groups, such as indigenous peoples and racial or ethnic minorities?

(h) What are some good practices in providing continuous support and services to the above-mentioned offenders to promote their rehabilitation and social reintegration?

(i) What are some good practices and lessons learned in reducing recidivism of women offenders, paying due attention to their gender-specific needs?

(j) What are some good practices and lessons learned in reducing recidivism among children?

(k) What are the main legal and practical barriers to a more effective use of non-custodial measures at the pretrial, trial and post-sentencing stages in terms of reducing recidivism? Do such barriers include gaps in legislation, lack of capacity of criminal justice practitioners, insufficient cooperation among stakeholders and low level of public acceptance?

(l) What are some good practices and lessons learned in implementing the following non-custodial measures in terms of reducing recidivism?

(i) Diversion measures;

(ii) Community corrections including probation and parole;

(iii) Restorative justice programmes;

(m) What measures have countries taken to address the root causes of recidivism, such as poverty and discrimination?

Agenda item 5. Multidimensional approaches by Governments to promoting the rule of law by, inter alia, providing access to justice for all; building effective, accountable, impartial and inclusive institutions; and considering social, educational and other relevant measures, including fostering a culture of lawfulness while respecting cultural identities, in line with the Doha Declaration

A. Background

110. As mentioned above, Goal 16 of the 2030 Agenda calls for the promotion of peaceful and inclusive societies and for providing access to justice for all. Access to justice refers to the ability of people to seek and obtain a remedy through formal or informal institutions of justice in conformity with rule of law principles and human rights standards. This necessarily requires a comprehensive and multidimensional approach by Member States that involves all actors in the criminal justice system, paying particular attention to measures that respect and protect the rights of vulnerable members of society and groups with special needs in the criminal justice system, such as women, children and victims of crime.

111. Effective, accountable, impartial and inclusive institutions are central to achieving Goal 16. To achieve peace, justice and inclusion, Governments, civil society and communities must work together to implement lasting solutions to reduce violence, deliver justice, combat corruption and ensure inclusive participation. Effective and accountable institutions, in particular, are inherent to the promotion of the rule of law.

112. In the Doha Declaration, Member States expressed their commitment to promoting a culture of lawfulness based on the protection of human rights and the rule of law while respecting cultural identity, with particular emphasis on children and youth, seeking the support of civil society and intensifying prevention efforts and measures targeting the full potential of families, schools, religious and cultural institutions, community organizations and the private sector in order to address the social and economic root causes of crime.

113. During the discussions held at the twenty-sixth session of the Commission on Crime Prevention and Criminal Justice on the overall theme, agenda items and workshop topics of the Fourteenth Congress, there was a widely shared understanding of fostering a culture of lawfulness in agenda item 5 as an approach taken by Governments towards the general public to promote trust and respect for the law and its enforcement.[52]

114. Criminal justice institutions have multiple accountability responsibilities. They must be accountable to the protection of society, in adherence to the principles of the rule of law, justice, peace and security, and at the same time they must also be accountable to the individual members of society who seek fair administration and delivery of justice, particularly victims of crime, accused persons and persons at high risk of abuse and exploitation, including women, children, the poor and minorities.

115. Accountability within criminal justice institutions requires a multifaceted approach. In the first instance, accountability must be promoted at the institutional level so that policies and procedures are in place to prevent and discourage corruption, facilitate access to justice and carry out institutional functions in an effective and efficient manner. Moreover, criminal justice professionals — police officers,

[52] See E/2017/30.

prosecutors, judges, and court and prison staff — must maintain superior standards of personal integrity and ethics, and serve their institutions and the public with high regard for principles of justice, objectivity and fairness. In support of these objectives, UNODC, under its Global Programme for the Implementation of the Doha Declaration, has, inter alia, launched a Global Judicial Integrity Network as a platform for judges and other justice sector stakeholders to exchange good practices, to develop new tools and materials relevant to upholding integrity and accountability of the judiciary and the prosecution service, as well as provide access to existing ones, and, where requested, to facilitate technical cooperation among judiciaries around the globe.[53]

116. Integrating the rule of law into all levels of education enables young people to become positive agents of change by considering the roles they may play in the promotion of a culture of lawfulness. This also addresses cross-cutting issues such as human rights, global citizenship and gender equality. Social crime prevention programmes may also support the promotion of a culture of lawfulness by fostering protective factors through non-stigmatizing social and economic development programmes, including skills training with a focus on at-risk youth.

117. Following the Thirteenth Congress, which expressly recognized the importance of education for promoting a culture of lawfulness,[54] UNODC, under its Global Programme for the Implementation of the Doha Declaration, launched two initiatives: the Education for Justice initiative (E4J)[55] and Youth Crime Prevention through Sports initiative.[56] The latter focuses on using sport as a vehicle to train social and life skills to children and youth and therefore to address important risk factors for crime and violence. The Education for Justice initiative focuses on education on the rule of law, crime prevention and criminal justice at the primary, secondary and tertiary education levels. These programmes respond to the different needs of young people in formal and life skills education and training.

B. Main issues/substantive focus

1. Access to justice for all

118. Member States may wish to discuss the role played by crime prevention and criminal justice reform in ensuring access to justice for all. In particular, Member States could consider measures to ensure that legal aid is effective, sustainable and accessible to all without discrimination and is provided at all stages of the criminal justice process. These discussions could further address current obstacles limiting access to justice for women victims, as well as women prisoners and offenders, and exchange experiences on measures to address such obstacles.

119. Member States could also examine how to increase access to justice for children, including strengthening the justice system and its capacity to deliver services in a fair, equitable, effective and child-sensitive manner while empowering children to demand justice remedies. Furthermore, Member States could discuss ways to ensure access to justice for victims in line with the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power.[57]

2. Building effective, accountable, impartial and inclusive institutions

120. Member States could consider measures to establish and strengthen effective, accountable, impartial and inclusive criminal justice institutions. This could include a review of effective independent and internal oversight and inspection bodies and

[53] Further information available at www.unodc.org/dohadeclaration/en/topics/judicial-integrity.html.

[54] See General Assembly resolution 70/174, annex, para. 10 (c).

[55] Further information available at www.unodc.org/e4j.

[56] Further information available at www.unodc.org/dohadeclaration/en/topics/crime-prevention-through-sports.html.

[57] General Assembly resolution 40/34, annex.

their impact on integrity, accountability and respect for human rights, in particular as regards use of force and firearms by police.

121. Member States could also consider how such measures contribute to the development and strengthening of institutions. Such considerations may include the degree to which criminal justice institutions adhere to standards and codes of professional conduct, promote transparency, impartiality and objectivity in decision-making practices, and ensure effectiveness and accountability at the institutional and individual levels. They may also include the impact of such measures on the relationship between criminal justice institutions and their beneficiaries, in particular in terms of public perception as well as trust and confidence in the criminal justice institutions.

122. Member States could further consider how building the capacity of criminal justice institutions contributes to trust and respect on the part of the public for the law and its enforcement and may therefore be an important measure that contributes to fostering a culture of lawfulness.

3. Social, educational and other relevant measures

123. Member States could discuss the challenges faced by Member States in the process of promoting the rule of law and a culture of lawfulness through all levels of the education system. Member States could also share their experiences in promoting social and educational measures, including through sports, to build resilience of populations vulnerable to crime and to discuss evidence-based initiatives that could be promoted globally.

C. Questions for discussion

124. Participants in the regional preparatory meetings and in the Fourteenth Congress may wish to consider the following questions for further discussion:

(a) What are the lessons learned in reforming legal aid systems, including in enacting or amending dedicated legislation?

(b) Which national practices have proved to be effective in ensuring quality, efficiency of and accessibility to criminal justice institutions (i.e. monitoring and evaluation, case management tools and training programmes) and what challenges have been encountered in this context?

(c) Which access to justice policies and measures have proved effective in reducing pretrial detention?

(d) What measures are effective in improving access to justice for victims, in particular vulnerable groups, including what practices have led to higher crime reporting rates by victims?

(e) What are some effective measures to ensure and improve access to justice for women offenders and victims?

(f) What are the good practices and the lessons learned to promote access to justice for children, including in empowering children to access justice remedies?

(g) What practical measures must be taken to ensure that criminal justice institutions are inclusive?

(h) What has been the impact of involving civil society in achieving peace and justice at the local level?

(i) What measures and mechanisms to strengthen integrity and accountability have proved most successful in practice at preventing corruption in criminal justice institutions?

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(j) What elements are necessary for effective oversight and inspection mechanisms and institutions for police and other criminal justice institutions to improve professional conduct, integrity and respect for human rights?

(k) How have crime prevention, criminal justice and other rule-of-law aspects been integrated into all levels of the education system, in line with the Doha Declaration, and what are the main obstacles to such integration?

(l) What are the different national approaches to promoting a culture of lawfulness, and how do they ensure respect for cultural identities? What are the positive effects of taking such approaches?

(m) How do Member States ensure cohesion and coordination between educational, social, formal and non-formal approaches to addressing risk factors of crime and promoting a culture of lawfulness, especially among the youth?

(n) In which ways can education on crime prevention, criminal justice and other rule-of-law aspects support the implementation of Goal 16 and related targets of other Sustainable Development Goals?

(o) What has been the impact of involving civil society in achieving peace and justice at the local level?

Workshop 3. Education and youth engagement as key to making societies resilient to crime

A. Scope

125. Education policies and programmes are a key element of comprehensive approaches to crime prevention. Their consideration is essential to the prevention of crime, violence and terrorism, as well as to reducing delinquency and victimization. They also provide children and youth with opportunities for obtaining formal qualifications and training and ensure their active participation in efforts to build resilience and promote peace and justice.

126. Article 26 of the Universal Declaration of Human Rights affirms the need for education to promote the full development of the human personality.[58] Article 28 of the Convention on the Rights of the Child provides for the right of the child to education. In addition, article 12 sets forth a key principle of the Convention on the Rights of the Child known as the right of the child to participate in all matters affecting him or her.[59] Empowering children and youth and engaging them as agents of change by promoting their effective participation can achieve positive change in society, including effective crime prevention and resilience-building. Children and youth deserve an opportunity to influence how the environment around them is being shaped, but they are rarely considered as a resource for the community, or do not have access to education to allow them to make a difference.

127. Given the recognized linkages between the rule of law, justice and development, education at all levels is an invaluable instrument to foster a culture of lawfulness and to ensure that children and youth are empowered to advance their own personal and educational development, and able to contribute effectively to just, fair and equal societies. Incorporating the rule of law into all levels of education systems can further ensure that children and young people have a solid basis and in-depth understanding of these issues and are better prepared to respond to such challenges in the future.

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[58] Article 29 of the Convention on the Rights of the Child further emphasizes the holistic and developmental aspect of education. See also CRC/GC/2001/1.

[59] According to article 12 of the Convention on the Rights of the Child, "States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child".

128. Integrating rule of law issues into all educational levels and working with children at a young age are key to building resilience and strengthening crime prevention efforts. At the primary level, this begins with values-based and skills-building programmes, with the former incorporating values such as acceptance, fairness, integrity and respect, while building the skills of conflict resolution, critical thinking, empathy and teamwork. At the secondary level, rule of law education builds on students' ability to understand key concepts of the rule of law and issues related to crime and violence, and enhance their capacity to solve moral, ethical and legal dilemmas while considering rights and responsibilities within society. Last but not least, tertiary level institutions foster talent, education and research in the disciplines that benefit the rule of law and also serve to promote peaceful and just societies.

129. Member States are encouraged to ensure a social and developmental approach to crime prevention, which is key for making societies more resilient to crime. Such approaches should also include support to youth through school-based and after-school programmes, including teaching them life skills to better deal with challenges they face in everyday life and enhancing their knowledge and understanding about the complexity of crime and violence, as well as the risks involved.

130. The importance of designing and adapting crime prevention policies to cater to and respond to the needs and challenges facing children and youth cannot be overstated. Children and youth who have special educational needs, who drop out of school, or who have had previous contact with the criminal justice system are more vulnerable and may also face difficulties in finding and receiving the education and social services they need. Targeting crime prevention through formal and non-formal settings also widens the reach of such policies, especially in locations where youth have limited access to education. In addition, crime prevention policies must be tailored to the learning preferences and abilities of children and young adults.

131. Member States recognized the growing contribution of sport to the realization of development and peace in the promotion of tolerance and respect and the contributions it makes to the empowerment of women and of young people, individuals and communities as well as to health, education and social inclusion objectives. In this regard, sport is also considered a vehicle to reach out to at-risk youth with a view to preventing crime. The use of sports-based programmes for prevention ranges from initiatives that aim to divert young people from criminal behaviour to programmes that combine sport with interventions that address risk factors related to social and personal development that potentially lead to offending.

132. A key target group for building resilience are children and youth at risk of offending (or reoffending), as well as those deprived of their liberty. Efforts should be made to promote their social reintegration and prevent social exclusion. The Convention on the Rights of the Child states that the right to education continues to apply to children even when they are deprived of their liberty, and that such children shall receive the same standards of and access to education as enjoyed by all other children. Similarly, the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) call on States to offer education and vocational training to prisoners to facilitate their reintegration into society upon release so that they can lead a law-abiding and self-supporting life.

133. Strengthening the active role of children and promoting critical thinking, tolerance of diversity and conflict resolution have proved effective in building resilience. In addition, it also contributes to the ultimate goal of the juvenile justice system, which is to promote the child's reintegration and assumption of a constructive role in society.[60]

[60] See article 40 of the Convention on the Rights of the Child.

B. Objectives

134. Education and child and youth engagement are linked and mutually reinforcing issues. Education can empower the children and youth to take positive transformative action in their societies and promote the rule of law and a culture of lawfulness. Taking this into consideration, the objectives of Workshop 3 are the following:

(a) Review research and evidence on the contribution of education at all levels to preventing crime and making societies more resilient to crime;

(b) Identify gaps, challenges, good practices and lessons learned in incorporating crime prevention, criminal justice and other rule-of-law aspects into education systems at all levels, as well as how education, child protection and criminal justice actors can cooperate in promoting a culture of lawfulness;

(c) Identify and disseminate innovative community-based approaches and initiatives for engaging children and youth in crime prevention and making societies more resilient to crime;

(d) Share experiences and good practices on the use of sport for engaging at-risk children and youth and making societies resilient to crime;

(e) Identify gaps, challenges, good practices and lessons learned in different models of non-formal and formal educational programmes for children and youth deprived of liberty and their effectiveness in promoting social reintegration and in preventing recidivism.

C. Questions for discussion

135. Participants in the regional preparatory meetings and in Workshop 3 at the Fourteenth Congress may wish to consider the following questions for further discussion:

(a) How can education at all levels on crime prevention, criminal justice and other rule-of-law aspects be strengthened to achieve the targets under Sustainable Development Goal 16, as well as Sustainable Development Goal 4 and target 4.7?

(b) In which ways can education on crime prevention, criminal justice and other rule-of-law aspects be integrated into existing curricular frameworks at all levels?

(c) What is the role of values (such as acceptance, fairness, integrity and respect) and skills (conflict resolution, critical thinking, empathy and teamwork) in education on crime prevention, criminal justice and other rule-of-law aspects, and how can those be integrated into existing approaches such as global citizenship education, education for democratic citizenship and human rights education?

(d) What are the most effective methods to address crime prevention, criminal justice and other rule-of-law aspects at the primary and secondary levels of education?

(e) How can tertiary-level teaching and research on crime prevention, criminal justice and other rule-of-law aspects benefit from multidisciplinary approaches? Which multidisciplinary approaches can be more effective?

(f) What measures can be taken to introduce ethics and integrity into all levels of education, especially different fields of education at the tertiary level?

(g) What measures can be taken to facilitate cooperation and coordination between criminal justice and education institutions on education on crime prevention, criminal justice and other rule-of-law aspects?

(h) How can students at all levels be engaged to educate their peers on crime prevention, criminal justice and other rule-of-law aspects?

(i) What is the role of formal and non-formal education in engaging and empowering children and youth to promote a culture of lawfulness?

(j) What evidence-based youth crime prevention approaches exist that focus on education and skills training and have resulted in pro-social attitudes and positive behaviour of youth?

(k) What approaches and practices exist that use sport as a tool for crime prevention and youth development and how are such programmes evaluated?

(l) What approaches and practices exist for strengthening social and education policies for crime prevention?

(m) What examples can States provide of instances in which the participation of youth in crime prevention efforts was used to promote resilience?

(n) How has a focus on educating children and youth been integrated into national crime prevention and criminal justice efforts and social policies?

(o) What are the good practices on effective educational programmes within the juvenile justice system and promoting cooperation between the justice and education systems in that process?

(p) What are the good practice examples and lessons learned of evidence-based social reintegration programmes related to education and directed at children alleged, accused of or recognized as having infringed criminal law?

(q) How can the United Nations best support Member States in building up or strengthening community-based crime prevention initiatives that focus on youth, as well as education on the rule of law and a culture of lawfulness?

Agenda item 6. International cooperation and technical assistance to prevent and address all forms of crime:

(a) Terrorism in all its forms and manifestations;

(b) New and emerging forms of crime.

A. Background

1. International cooperation in criminal matters

136. Without increased and strategically targeted technical assistance, the gap between States' responsive capacity and the sophistication of criminal groups and their modi operandi risks becoming insurmountable. International cooperation in criminal matters and the capacity of national criminal justice institutions to effectively respond to crime are key to achieving Sustainable Development Goal 16, discussed in chapter II of this guide, as well as Sustainable Development Goal 10, on reducing inequality within and among countries. Other relevant sustainable development goals positively impacted by strengthening international cooperation in criminal matters are Goal 15, especially in relation to ending trafficking of protected species of flora and fauna, and Goal 17, which highlights the link between strengthening funding to implement the other Goals and the Global Partnership for Sustainable Development, including through North-South, South-South and triangular cooperation.

137. In the Doha Declaration, Member States have expressed their commitment to strengthening international cooperation as a cornerstone of their efforts to enhance crime prevention and ensure that criminal justice systems are effective, fair, humane and accountable, and ultimately to prevent and counter all forms of crime.

138. Crime, including its new and emerging forms, and terrorism are modern drivers of insecurity, and in some cases of political instability. Under this item, due consideration should be given to strengthening international cooperation and capacity-building to tackle these threats.

139. In transnational criminal cases, legal systems require a sufficient degree of harmonization and also require that relevant forms of international cooperation in criminal matters be in place. Related institutions are also required, in order to support cooperation. International cooperation modalities include extradition, mutual legal assistance, the transfer of sentenced persons and of criminal proceedings, international cooperation for purposes of confiscation, and international law enforcement cooperation. In specific regions, modalities to simplify cooperation have been established. The vast majority of countries rely on applicable bilateral, regional and multilateral treaties as a basis for cooperation. In this context, parties to both the Organized Crime Convention and the Convention against Corruption have actively discussed means of strengthening joint action on emerging threats.

140. Since the early congresses, the exchange of practices and mutual learning has been a crucial foundation for the review of national crime prevention and criminal justice policies. The Doha Declaration stresses the need for a balanced and comprehensive approach to address, inter alia, serious crime and terrorism, as well as the need to ensure that such an approach is implemented in a coordinated manner and is in compliance with the rule of law and respect for human rights.

2. Technical assistance

141. As mentioned above, technical assistance to enhance the capacity of Member States to offer and request international cooperation in criminal matters is key for the implementation of relevant targets of various sustainable development goals.

142. In the Doha Declaration, Member States recognized their responsibility for making efforts to ensure that law enforcement and criminal justice institutions have the expertise and technical capacities to adequately address new and emerging forms of crime, in close cooperation and coordination with one another, and to provide those institutions with the necessary financial and structural support. Equally, Member States resolved to continue to support the implementation of capacity-building programmes and training for criminal justice officials aimed at preventing and countering terrorism in all its forms and manifestations, in line with human rights and fundamental freedoms, including with regard to international cooperation in criminal matters. In continuing with efforts to enhance international cooperation, Member States also reaffirmed the importance of adequate, long-term, sustainable and effective technical assistance and capacity-building policies and programmes.

143. The General Assembly, in its resolution 69/193, encouraged Member States to promote and strengthen international cooperation to further develop the capacities of criminal justice systems, including through efforts to modernize and strengthen relevant legislation related to international cooperation in criminal matters, and the use of modern technology to overcome problems that hinder cooperation in a number of areas. In this regard, Member States may wish to draw on the United Nations model treaties on international cooperation in criminal matters adopted by the General Assembly, [61] and on tools developed by UNODC to facilitate and strengthen international cooperation, including relevant model laws, manuals and the new version of the Mutual Legal Assistance Request Writer Tool.

3. Terrorism in all its forms and manifestations

144. Terrorists are increasingly taking advantage of globalization, rapidly evolving technologies and social, political and economic vulnerabilities. While Member States

[61] General Assembly resolutions 45/117 and 53/112, on mutual assistance in criminal matters, and resolutions 45/116 and 52/88, on extradition, and resolution 45/118 on the transfer of proceedings in criminal matters.

have adopted a broad range of measures, including in law enforcement and criminal justice, terrorist groups continue to adapt, thereby posing one of the most serious threats to global peace and security.

145. Terrorists' financial sources, methods of recruitment and training, support structures, tactics and target selection are constantly evolving. In response, law enforcement authorities, as well as the judiciary, including border management and border security agencies, have to continuously review their strategies to cope with this challenge, in compliance with the rule of law and human rights obligations.

146. Criminal justice officials face major difficulties when they have to investigate, prosecute and cooperate on terrorism offences at the national and international levels. New forms of terrorism financing, including the growing links between terrorist and criminal groups in some regions and terrorists benefiting from trafficking in drugs, cultural property and persons, as well as other forms of transnational organized crime, constitute an issue that has received increasing attention. In its landmark resolution 2322 (2016), the Security Council sought to strengthen judicial and law enforcement cooperation to combat terrorism and to prevent terrorist groups from benefiting from transnational organized crime on the basis of applicable international instruments, including the Organized Crime Convention.

147. The phenomenon of foreign terrorist fighters has significantly evolved since the adoption of the Doha Declaration, in which Member States recognized the need to "strengthen cooperation at the international, regional, subregional and bilateral levels, to counter the threat posed by foreign terrorist fighters".[62] Many Governments face challenges related to developing efficient prosecution, disengagement and reintegration strategies for returning or relocating terrorist fighters. The growing involvement of women and children in terrorism in many different roles, including as offenders, witnesses and victims, requires Member States to develop gender- and child-sensitive justice responses.

148. Policymakers and criminal justice officials are confronted with legal and operational difficulties in identifying effective rule of law-based counter-terrorism measures in post-conflict settings where terrorist groups were parties to an armed conflict or controlled a large territory and population.

149. The Internet and social media have become an "ideological battlefield" to spread terrorist propaganda, incite, recruit for, fund, train, plan and commit terrorist attacks, including cyberattacks by terrorists. Sophisticated information and communication technologies, especially the Internet, have become the tool of first choice for terrorists to reach out to and indoctrinate youth and minors. Furthermore, the situation is exacerbated by a growing number of terrorists acting in small cells or alone who were radicalized including through the Internet.

150. While terrorists have developed many ways to exploit the Internet, the global network also offers unique opportunities to counter terrorist narratives and to prevent, detect and deter acts of terrorism by allowing intelligence-gathering and the collection of evidence for prosecution. At the same time, the increased volume of digital data to be collected, preserved and analysed in computer-based investigations has highlighted the need for highly specialized capacity-building and the absolute necessity of strengthening international judicial and law enforcement cooperation to handle the substantively increased volume of requests for digital data.

151. UNODC, as a leading United Nations entity with unique expertise and technical assistance experience in both terrorism and other forms of crime, has accumulated a wealth of knowledge and experience on effective crime prevention approaches which might be applied to terrorism prevention. There is wide recognition that security-based counter-terrorism measures have not been sufficient to counter the spread of terrorism and violent extremism conducive to terrorism, and there is a need for a sustained focus on prevention. UNODC provides unique counter-terrorism

[62] Doha Declaration (General Assembly resolution 70/174, annex), para. 8 (d).

expertise and comprehensive technical assistance on criminal justice responses to terrorism. The Office promotes the implementation of the universal legal regime against terrorism, advises on drafting and revising national legislation and provides robust capacity-building to strengthen national criminal justice systems to more effectively address terrorism threats, including through effective international judicial and law enforcement cooperation.

4. New and emerging forms of crime

152. The international community's concern with respect to new, evolving and emerging forms of crime, such as cybercrime, maritime piracy, wildlife crime and trafficking in cultural property, human organs and falsified medical products has increased over the past decade. In part, this is due to the considerable amount of illicit gains, as well as the exploitation of modern technologies and loopholes in national and international frameworks.

153. In the vast majority of cases, such new and emerging forms of crime constitute manifestations of transnational organized crime, which has become a pernicious threat that is now central to the mandate of development actors. While the importance of organized crime is recognized in the creation of target 16.4 of the 2030 Agenda for Sustainable Development (By 2030, significantly reduce illicit financial and arms flows, strengthen recovery and return of stolen assets, and combat all forms of organized crime), its impact on development is extensive and diverse. Organized crime cannot be viewed as a separate development challenge, to be addressed in isolation. Rather, an effective response calls for the recognition that organized crime is an intrinsic element of development challenges and must be interwoven throughout the broader development response frameworks.[63]

154. In this context, pursuant to the Organized Crime Convention, States parties can cooperate on a wide range of offences related to transnational organized crime. The definition of "serious crime" in article 2, subparagraph (b), of the Convention, as "conduct constituting an offence punishable by a maximum deprivation of liberty of at least four years or a more serious penalty" enables the Conference of the Parties to identify new forms and dimensions of transnational organized crime, with a view to facilitating a more uniform approach at the global level, and considerably enhances the potential use of the Convention for the purposes of international cooperation.

155. Governments have also become aware of the complexities of illicit markets. The frequent opacity of legal markets, including for wildlife products or cultural property, facilitates the mingling of illicitly acquired goods with objects of licit origin, as well as the laundering of proceeds of crime.

156. Tracking the flows of illicit funds, particularly those derived from corruption and transnational organized crime, as well as those intended for the financing of terrorism, and analysing the magnitude of these illicit funds and the extent to which they are laundered through the world's financial systems, remain daunting tasks. Efforts of Member States to enhance knowledge and broaden understanding of the challenges and opportunities related to international cooperation to combat illicit financial flows and strengthen good practices on the return of assets to foster sustainable development are instrumental to promoting the accomplishment of target 16.4 of the 2030 Agenda for Sustainable Development.

157. Member States face the challenge of lack of or deficiencies in systematic and longitudinal data collection, analysis and dissemination, including on trends, patterns and modi operandi related to new and emerging forms of crime, many of which are not consistently monitored at the domestic or international levels. Studies on the links between these forms of crime committed by different organized criminal groups, and their impact on different jurisdictions, are yet to become a priority.[64] However, they

[63] Global Initiative against Transnational Organized Crime, *Organized Crime: A Cross-Cutting Threat to Sustainable Development* (Geneva, 2015), p. 4.

[64] See Workshop 1.

serve as guidance for a more proactive approach of law enforcement agencies in investigating these transnational criminal threats.

158. International efforts to improve cooperation in combating new and emerging forms of crime have gained impetus, either through the deliberations and action of United Nations intergovernmental bodies, including on specific types of crime;[65] through the utilization of intergovernmental groups establishing dialogue platforms;[66] or through regional normative action,[67] which contributes to strengthening international cooperation and assessing technical assistance needs. UNODC has played an important role in these efforts, notably in supporting intergovernmental processes, the exchange of good practices and capacity-building.

B. Main issues/substantive focus

159. The following are the main issues and substantive focus under the item on international cooperation and technical assistance to prevent and address all forms of crime:

International cooperation in criminal matters

(a) Limited coordination among national and international agencies responsible for transnational investigations, which may hamper transnational investigation efforts;

(b) Practical challenges in regional and international judicial and law enforcement cooperation in criminal matters, including diversity of national approaches to criminalization in view of the dual criminality requirement; limited knowledge and fragmented implementation of extradition and mutual legal assistance laws and practices; insufficient sharing of intelligence, operational and biometrical information (especially for serious crime and terrorism offences); lack of training of relevant competent authorities; lack of timely responses to requests involving electronic evidence, and limited cooperation with communication service providers; and challenges in establishing or strengthening cooperation networks and platforms;

Technical assistance

(c) A comprehensive and consistent methodology for the assessment and identification of technical assistance needs to strengthen international cooperation in criminal matters, including, as appropriate, the tailoring of existing UNODC technical assistance programmes to adequately facilitate and strengthen international and regional cooperation in criminal matters;

(d) The limited resources made available by the international community to support needs assessment and implementation of capacity-building activities;

Terrorism in all its forms and manifestations

(e) Effective legal and criminal justice responses and good practices to strengthen national capacity to face challenges posed by terrorism such as foreign

[65] For example, General Assembly resolution 69/196 and Security Council resolution 2347 (2017) concerning trafficking in cultural property.

[66] For example, the open-ended intergovernmental expert group to conduct a comprehensive study of the problem of cybercrime, established by the Commission on Crime Prevention and Criminal Justice, and the meeting of States parties to the 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property and its subsidiary committee, under the auspices of the United Nations Educational, Scientific and Cultural Organization (UNESCO).

[67] For example, the Council of Europe Convention on Cybercrime, the Council of Europe Convention on the Counterfeiting of Medical Products and Similar Crimes Involving Threats to Public Health, and the European Convention on Offences relating to Cultural Property.

terrorist fighters, the use of the Internet for terrorist purposes, terrorism financing and other terrorism threats as mentioned above;

(f) Effective strategies and approaches to prevent terrorism, radicalization and violent extremism conducive to terrorism, as well as the applicability of efficient crime prevention programmes, including drawing upon the multi-year experience of UNODC;

(g) Strengthening the rule of law and respect for human rights and fundamental freedoms in criminal justice measures against terrorism, including the protection of victims' rights;

(h) Research and analysis, especially in partnership with research and educational institutions, to increase the understanding of terrorism trends and dynamics for adopting appropriate criminal justice measures, including to address the growing nexus between terrorism and transnational organized crime in some regions;

(i) Effective and rule of law-based approaches with respect to the role of criminal justice in a post-conflict setting, where terrorist groups have been parties to an armed conflict or controlled a large territory and population, that might also require disarmament, demobilization and reintegration and transitional justice approaches;

New and emerging forms of crime

(j) The concept of serious crime, as defined in article 2 of the Organized Crime Convention, and its application to offences such as trafficking in wildlife and cultural property, as well as the manufacturing and distribution of falsified medical products, including by electronic and distance selling;

(k) The use of the Organized Crime Convention and its Trafficking in Persons Protocol to prevent, investigate, prosecute and punish the unauthorized removal or implantation of organs, their illicit sale, brokering and purchase, as well as trafficking in persons for the purpose of organ removal;

(l) The possible challenges to control, by criminalization and international cooperation, all phases of the supply chain of illicitly exported or stolen objects, such as illicitly acquired wildlife, falsified medical products or cultural property;

(m) The lack of recognition and underutilization of forensic science and specialized investigative techniques, especially considering the evolving nature of offences, such as cybercrime and trafficking in wildlife and cultural property.

C. Questions for discussion

160. Participants in the regional preparatory meetings and the Fourteenth Congress may wish to consider the following questions for further discussion:

International cooperation in criminal matters

(a) How could existing treaties, such as the Organized Crime Convention, and international counter-terrorism legal instruments, become more broadly utilized as a basis for judicial and law enforcement international cooperation to effectively address serious crimes, including new and emerging forms of crime and their linkages to terrorism?

(b) How can regional or subregional networks of competent national authorities further facilitate cooperation in criminal matters in ongoing cases and the delivery of related assistance, including in addressing new and emerging forms of crime, as well as terrorism?

Technical assistance

(c) What are the technical assistance needs and priorities of criminal justice authorities in order to strengthen the efficiency of their international cooperation in

criminal matters, including to prevent and counter terrorism and new and emerging forms of crime? How can sustainability and impact measurement of such technical assistance be ensured?

(d) What approaches should be considered to support Member States in establishing or updating national policies, laws, institutions and practices to strengthen and facilitate international cooperation in criminal matters, including related to terrorism and new and emerging forms of crime?

Terrorism in all its forms and manifestations

(e) What policy, legal and operational responses exist, and how should they be improved to effectively respond to emerging and serious terrorist threats?

(f) What good practices on cooperation between the judiciary, intelligence, border control, law enforcement and the private sector exist? How could the inter-agency collaboration in terrorism cases improve?

(g) Which crime prevention strategies and approaches could be applied for terrorism prevention, including building upon the multi-year experience of UNODC? What should be the role of the criminal justice system in preventing violent extremism conducive to terrorism?[68]

(h) What is the accumulated experience in relation to the effectiveness of criminal justice responses to threats posed by the use of the Internet by terrorists (criminalization of unlawful acts, investigative powers, development of specialized judicial or evidentiary procedures, and facilitation of international cooperation)?

(i) How could partnerships with research and educational institutions be strengthened to enhance the understanding of terrorism trends and dynamics? How can research and its findings inform the development of appropriate criminal justice measures?

(j) What main human rights-related challenges do criminal justice practitioners face in counter-terrorism?

(k) How can legal and criminal justice responses to terrorism interact with the response of Member States and the United Nations with respect to post-conflict transition, such as reconciliation, transitional justice and building sustainable peace, in situations where terrorist groups have been parties to an armed conflict or controlled large territories and population?

New and emerging forms of crime

(l) What measures could Member States consider to improve coordination and mutual consultation among national law enforcement agencies, as a way to strengthen international cooperation to prevent and counter new and emerging forms of crime? Are there specific considerations in relation to cybercrime?

(m) How could Member States ensure the effectiveness of demand reduction policies to control trafficking in cultural property and wildlife products, and how could those policies be integrated to supply reduction efforts?

(n) What mechanisms can be developed to ensure a more coordinated law enforcement approach in addressing new and emerging forms of crime, including maritime and wildlife crime?

(o) How should Member States enhance protection of victims of the manufacture and distribution of falsified medical products?

(p) How can Member States better identify and address gaps in national legal and institutional frameworks that encourage trafficking in persons for organ removal and trafficking in human organs?

[68] See Workshop 2.

(q) How best to utilize or streamline existing provisions of domestic laws and international instruments on the prevention of, and the fight against, money-laundering to achieve a better "success rate" of identifying and combating illicit financial flows?

Workshop 4. Current crime trends, recent developments, and emerging solutions, in particular new technologies as means for and tools against crime

A. Scope

161. Fast-paced technological innovation and widespread and increasing accessibility to new information and communication technologies, as well as unprecedented advances in such fields as, among others, computing, robotics and artificial intelligence, have transformed societies around the world or have the potential to do so. At the same time, advances in information and communication technologies can be misused for the commission of criminal offences, either acts targeting directly computer data/systems or computer-related acts, or for facilitating criminal collaboration and communication. Technology and globalization enable criminals to coordinate across regions like never before, increasing their reach, crimes, targeted victims and profits. While the theft or damage of information represents one area of criminal activities, the use of technology in direct furtherance of activities of organized criminal groups constitutes another. Illegal activity based upon advanced technologies is as varied as the technologies themselves. Nuclear blackmail may represent an example of an extreme, technology-based criminal threat, while telephone fraud or cybercrime to assist traditional forms of offending are examples of crimes of "lower impact" that depend upon modern technology for their commission.

162. Advancement in technology appears, however, to be a double-edged sword: although it may offer more opportunities for criminals, it also fosters innovation geared towards promoting the accomplishment of the Goals of the 2030 Agenda for Sustainable Development. Particularly in the area of rule of law as a vital component of sustainable development, technological advances help to improve public safety and the proper administration of justice by facilitating the work of law enforcement and criminal justice authorities to prevent, detect and combat crime. An arsenal of high-tech devices, from global positioning system (GPS) vehicle pursuit darts to 3D crime scene imaging, can be used to this effect. Moreover, the increasing societal dependence on the Internet and computer-assisted communications have led law enforcement authorities to develop tools to investigate offences online or to use, for example, software dedicated to providing insight into criminal patterns. Social media tools are also used by law enforcement agencies to improve their interaction and relationship with local communities and to reach out to the public for cooperation in criminal investigations. Furthermore, innovations such as surveillance videos, fingerprint technology or DNA evidence may also be used in court to more efficiently adjudicate a criminal case or ensure that vulnerable victims can testify in a less intimidating setting. National competent authorities are increasingly faced with difficulties in their responses to transnational organized criminal groups equipped with state-of-the-art information technologies. The most pressing challenge is to undertake the necessary adaptations of criminal justice and law enforcement measures in order to adequately respond to crimes committed by using such technologies.

163. Due to the obvious role that technology has in the enablement and evolution of crime, and in the countervailing policing and security functions of society, concerted efforts are needed to prevent or adequately address its misuse for criminal purposes. At the international level, the Organized Crime Convention, in its article 27, paragraph 3, calls upon States to endeavour to conduct law enforcement cooperation

in order to respond to transnational organized crime committed through the use of modern technology. At the national level, legal measures and capacity-building are becoming the focus of attention, together with strategic planning that may also include public-private partnerships, where appropriate.

164. Against this background, six thematic areas of interest — some of which are interlinked — are categorized below, on an indicative basis, to gain a better understanding of the impact and role of technology as both a driving force for, and a shield against, crime. These thematic areas are added to another thematic area of relevance, namely the growing use of information and communication technologies for terrorist purposes, which is discussed under substantive agenda item 6 of this guide. All of them can best be described through the Janus metaphor: like the Roman god Janus, bearing two faces simultaneously, people can secure the benefits of technology, while running the risk of experiencing its negative side.

1. Cryptocurrency

165. Cryptocurrencies, defined as convertible, peer-to-peer, decentralized network-based digital currencies including, inter alia, bitcoin and ethereum, use encryption techniques to regulate the generation of units of currency and verify the transfer of funds, all the while operating independently of a central bank. The high degree of anonymity they offer, coupled with low levels of detection, remove many of the risks associated with money-laundering and terrorism financing activities and thus facilitate their commission inside virtual environments. In addition, cryptocurrencies may facilitate other crimes such as extortion and fraud.

166. Consequently, the exploitation of cryptocurrencies tests the ability of competent authorities to provide adequate regulatory responses and foster international cooperation, also bearing in mind the legitimate use of bitcoin technology, including the use of cryptocurrencies as a store of value and a payment method for legitimate goods and services.

167. It is therefore essential for States to consider developing multi-disciplinary strategies (ranging from regulatory measures and policymaking initiatives to prevention and training of competent authorities) to address challenges and upgrade capacities for successful and effective investigation and prosecution in related cases. This will also serve the efforts to achieve, to the extent applicable in the virtual environment, the target of reducing illicit financial flows related to different forms of crime, including transnational organized crime.

168. Within the framework of its Global Programme on Cybercrime, UNODC has developed a cryptocurrency investigation train-the-trainers course and has been active in delivering cryptocurrency investigation training in different regions. The aim of the training is to upgrade the capacity of law enforcement officers, analysts, prosecutors and judges in understanding the concept of cryptocurrencies, tracing bitcoins in a financial investigation, locating resources for more information and collaborating on international casework. UNODC also builds partnership with the actors from the regulatory technology ("RegTech") sector and the financial technology ("FinTech") sector, and collaborates with cryptocurrency industry leaders like Chainalysis, Inc. to assist law enforcement officers and analysts to trace illegal financial flows.

169. While loopholes currently exist in this field, the technology underlying cryptocurrencies possesses some potentially interesting opportunities for investigators. Several aspects of blockchain, which allows bitcoin and other digital cryptocurrency to exist, could make it a useful law enforcement tool. In addition to looking for suspicious transaction patterns, law enforcement authorities could also use blockchain software for evidence-tracking.

2. The role of technology in creating relatively low-risk drug markets

170. The dark web offers new opportunities for drug trafficking as it allows users to buy drugs with a cryptocurrency and have their purchases delivered to them in a concealed manner. It thus functions as an anonymous "open" marketplace which allows retail drug dealers to transcend the geographical limitations of "closed" offline drug markets, potentially increasing the diffusion of drugs. In addition, its anonymity reduces the risk of arrest for both dealers and users and also eliminates other pitfalls associated with buying drugs, such as the possibility of falling victim to other forms of crime in neighbourhoods where drug dealing is rife.[69]

171. In spite of its proliferation and phenomenal growth, the dark web still represents, according to the *World Drug Report 2017*, a small fraction of the global drug trade. Nevertheless, it represents a new way of "doing business" and further alters the nature of the illicit drug trade and the types of players involved, with looser, horizontal networks and smaller groups becoming more significant.

172. From the law enforcement perspective, potential modes for the detection of the Internet-facilitated drug trade include traditional investigative techniques applied in the drug chain; postal detection and interception; and online detection and disruption. The investigation and prosecution of related cases requires specialist criminal investigation skills to be applied in a virtual environment. Increased dependency on computer technology has led to the need for dedicated cybercrime units to respond to requests for forensic retrieval of computer-based evidence and, thus improve a State's operational capability to address related challenges.

3. Trafficking in firearms on the dark web

173. The potential role of the dark web in facilitating trafficking in firearms and ammunition through cryptomarkets and vendor shops has gained increased public attention.

174. Law enforcement agencies are facing a series of operational challenges to address this problem. While some of these challenges are inherent to the technical features of the dark web, others could be overcome through the active involvement of policy-making stakeholders, both at the national and international level. At the national level, policymakers should ensure that law enforcement agencies are staffed, trained and equipped to respond effectively. Education and prevention strategies may need to be considered.

175. At the international level, effective responses to dark web-enabled trafficking in firearms also relies on the rigorous implementation of existing international instruments designed to tackle the general issue of arms trafficking, such as the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the Organized Crime Convention, and the Arms Trade Treaty.

176. At the level of preventive and security measures, it is important to reduce illicit availability of, and trafficking in, firearms through the dark web. Related measures are foreseen in the applicable international legal framework and provide the basis for developing comprehensive approaches to tackle the phenomenon.

4. The role of technology in human trafficking

177. Technology has historically been used to the detriment of victims of human trafficking. Traffickers use social media, websites and anonymizing applications and networks to contact and recruit their victims and communicate easily and anonymously with buyers and conspirators within their trafficking rings.

[69] *World Drug Report 2017: The Drug Problem and Organized Crime, Illicit Financial Flows, Corruption and Terrorism* (United Nations publication, Sales No. E.17.XI.11), p. 17.

178. At the same time, however, technological advancements also provide unprecedented opportunities for law enforcement agencies to monitor illicit activities, locate and rescue victims, collect and analyse data leading to the prosecution of traffickers and streamline communication between anti-trafficking actors and agencies.

179. In order to ensure effectiveness of investigations and prosecutions, it is important to better understand the extent and ways that traffickers, victims and consumers are using technology in the different stages of the trafficking process (recruitment, travel or transfer, housing, financial transactions, advertisement and control methods).

180. Technological interventions in anti-trafficking efforts necessitate collaboration across sectors with a view to facilitating streamlined efforts for achieving target 8.7 of the 2030 Agenda and, to the extent applicable, target 17.17. Increased public awareness and strong public-private partnerships should be based on a common understanding of the potential impact of innovative technologies in the fight against human trafficking.

5. The effects of new information technologies on the abuse and exploitation of children

181. The increased access of children to information and communication technologies, coupled with their vulnerability and inability to fully understand the threats associated with the misuse of such technologies, have fuelled a surge in cases of their abuse and exploitation.

182. While the use of information and communication technologies in crimes against children poses many challenges, including in respect of detection and perpetrator identification, it can also generate a number of investigative and evidential leads for the criminal justice system. As the UNODC *Study on the Effects of New Information Technologies on the Abuse and Exploitation of Children* highlighted, skilled digital investigators are increasingly able to acquire electronic evidence of abuse facilitated by information and communication technologies, identify victims and provide victim support and assistance.

183. In striving to achieve the target 16.2, to end abuse and exploitation of children, efforts to combat child abuse and exploitation facilitated by information and communication technologies necessitate a multi-stakeholder approach to actively involve children, families, communities, Governments, civil society and the private sector.

6. The role of technology in smuggling of migrants cases

184. Together with the staggering increase of smuggling of migrants over the past years, the sophistication of smugglers has also drastically increased. They use the latest communications technology to keep informed of changing border control measures and adapt to them; and they quickly change their routes in response to restrictive measures.

185. Social media and digitized communications offer smugglers an unprecedented procurement tool: the opportunity to engage in direct marketing and soliciting customers with sophisticated social media-based offerings, and to become less reliant on intermediary field agents.

186. On the other hand, digitization clearly reduces the information gaps upon which smugglers can thrive. Mobile and Internet technologies can be leveraged to assist migrants to connect with crucial social networks of support and information. Moreover, the appropriate use of technology can assist Governments, businesses and non-governmental organizations in preventing and mitigating the effects of this scourge.

B. Objectives

187. Workshop 4 will aim to promote dialogue and exchange of views of a technical nature on the above six thematic areas of interest. In addition, the Workshop will intend to supplement, as appropriate, those elements of the discussion under agenda item 6 which are related to the growing use of information and communication technologies by terrorists, including for radicalizing and recruiting youth (see para. 149 above). In essence, Workshop 4 will be set to continue and expand a discussion that had started at the Thirteenth Congress on Crime Prevention and Criminal Justice, at which participants exchanged views and experiences, in both plenary meetings and a dedicated workshop, on the role of social media and new communication technologies within the broader framework of public participation and contribution in strengthening crime prevention and criminal justice.

188. In view of the above, the objectives of Workshop 4 are the following:

(a) Discuss and better understand the different methodologies used in and patterns of the commission of crimes involving the use of technology;

(b) Explore ways in which criminal justice and law enforcement authorities may better prevent, detect and combat such crimes at both the national and international levels. In doing so, take stock of good practices and challenges in relation to the requirements for employing special investigative techniques and gathering electronic evidence for crimes involving the use of technology, as well as the admissibility of such evidence in court;

(c) Take stock of national regulatory standards in place and facilitate further discussion on potential legislative adjustments, as may be appropriate, to address emerging needs and challenges;

(d) Identify good practices and experiences in the successful investigation and prosecution of crimes involving the use of technology, with a particular focus on the use of technological innovations as tools against such crimes;

(e) Discuss emerging trends and future directions in the use of technology against crime;

(f) Assess the human rights implications of the use of technology against crime and ways to address them adequately;

(g) Promote dialogue on training needs in the criminal justice and law enforcements fields to make more effective use of technology against crime, and on the role of UNODC to better address such needs;

(h) Exchange information and experiences on existing gaps and challenges in the field of international cooperation involving electronic evidence;

(i) Assess the impact of public-private partnerships in preventing and/or addressing effectively the crimes under discussion.

C. Questions for discussion

189. Participants in the regional preparatory meetings and in Workshop 4 at the Fourteenth Congress may wish to consider the following questions for further discussion:

(a) Is there a need for adopting/amending regulatory standards relating to cryptocurrencies to further promote crime prevention and investigation, and, if so, what are the main considerations and best practices to be taken into account?

(b) In particular, what legal measures may be needed to prevent the use of cryptocurrencies for money-laundering? Has experience been accumulated on how to deal with freezing and confiscation orders over cryptocurrencies held in digital currency exchange accounts?

(c) Can cryptocurrency trading markets be deemed official financial institutions? To what extent may existing laws relating to currencies and financial transactions apply to cryptocurrencies?

(d) What measures are required to strengthen international cooperation to combat cryptocurrency-related crimes among national authorities of States having divergent technological development and financial regulations?

(e) To what extent can the definitions in the Organized Crime Convention of "organized criminal group" and "structured group" be applied in the virtual environment, where anonymous vendors and buyers can transact without knowing each other?

(f) How can the establishment of a comprehensive firearms brokering control system foster effective prevention and criminal justice responses to illicit brokering activities on the dark web?

(g) What measures are needed to address challenges posed by the transfer on the dark web of digital files for 3D printing of firearms?

(h) In what ways is technology involved throughout the different stages of the trafficking in persons process, as well as within the smuggling of migrants context, and what measures are in place to cope with such involvement?

(i) In what ways can the responsible use of "enabling technology, in particular information and communications technology", as stated in target 17.8 of the 2030 Agenda, assist Governments in their efforts, often in partnerships with relevant stakeholders, to prevent and combat crime, including trafficking in persons and smuggling of migrants? And how can such responsible use be balanced with the established goal to "significantly increase access to information and communications technology and strive to provide universal and affordable access to the Internet in least developed countries by 2020" (target 9.c of the 2030 Agenda)?

(j) Are there cooperative mechanisms and channels of collaboration between competent authorities and technology industries to keep up with future developments in the rapidly changing field of using technology against crime?

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